MONTANA LEGISLATIVE HISTORY

Chapter 316 1974

Bill H _____ S 493 Original bill & history ___C

H. Committee on Highways & Transportation		S. Committee on Exec. Reorganization	
Hearing Date(s) Feb 28	✓ C	Hearing Date(s) Jan 28	✓ C
Mar 02	✓ C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

MINUTES OF THE MEETING
EXECUTIVE REORGANIZATION COMMITTEE
MONTANA STATE SENATE

January 28, 1974

The sixth meeting of the Executive Reorganization Committee was called to order by Chairman Keenan on January 28, 1974 at Room 402 of the State Capitol Building at 12 Noon.

A quorum being present SB 461 was considered. Mr. Boedecker from the Public Service Commission said that the attorney, Mr. Hanson, who was assigned to this bill, is in the hospital with an emergency appendectomy and is the only person really knowledgeable regarding the amendments . Alan Taylor the researcher stated that he had found no problems whatever.

Senator Siderius moved to adopt the amendments to SB 461. Seconded by Senator Aber. Met with unanimous approval. It was moved by Senator Siderius that SB 461 as so amended do pass. Seconded by Senator Aber.

SB 473 was considered. Miss Borg had reviewed the amendments and felt that there were no problems. It was moved by Senator Story and seconded by Senator Boylan to accept the amendments and SB 473 received a do pass recommendation.

Chairman Keenan asked approval of the committee to skip the meeting on Wednesday because of a request by Senator Rosell. Therefore the next meeting will be held on February 1 at 12 Noon to discuss HB 593 and HB 582.

Meeting adjourned.

Keenan
SENATOR P. J. KEENAN, CHAIRMAN

February 28, 1974

The meeting of the Highway and Transportation Committee was called tor order by Chairman Laas at 4:20 p.m. Representative Harper and Representative Rolfe were absent.

Senate Bill 473: Pat Melby, an attorney in the Governor's office, was present to explain the bill to the committee in the absence of Senator Hazelbaker. He handed out several sheets to explain this bill and these are attached to these minutes. The purpose of this bill is to separate the duties of the department of highways from those of the highway commission. The department's work has to be approved by the commission before it can be done. The commission approves the plans. This bill was introduced last session and therefore has a number of amendments to bring it up to date with the new laws passed last session. Mr. Jim Beck, attorney for the Montana Department of Highways, was present as a proponent. The department of highways does support this bill. Mr. Beck however, feels that this bill is merely a name changing bill.

Senate Bill 526: This bill was put in at the Request of Cities and Towns. Senator Lowe was present to explain and support this bill. This bill would make it lawful to make a right turn on a red light unless there was a sign there saying that it was unlawful to do so. At the present time it is lawful to make a turn only if there is a sign present stating that this can be done. Senator Lowe stated that this is a natural thing now and that many people do it automatically.

Senate Bill 577: Senator Deschamps was not present to support his bill because of business in the Senate. This is a bill requiring safety chains on trailers. The members of the committee discussed this bill to some length. Representative Kendall made a motion that Senate Bill 577 be concurred in. Representative Lien seconded the motion and it passed unanimously.

Senate Bill 676: Senator McOmber was not present to support his bill because of business in the Senate. This bill would allow a 10 day grace period from the date of purchase to make application for registration of a motor vehicle. The members discussed this bill to some length. Representative Walborn made a motion that Senate Bill 676 be concurred in. Representative Lien seconded the motion and it passed unanimously.

Senate Bill 526: Representative Kendall made a motion that Senate Bill 526 be concurred in. Representative Baeth seconded the motion and it passed unanimously.

Senate Joint Resolution 55: Representative Aageson made a motion that SJR 55 be not concurred in. Mr. Richard Klemper of legislative council came in to defend the resolution in the absence of Senator Darrow. The department of highways is presently seeding and doing much of this work that this resolution would demand a study of. However, the department, according to Mr. Klemper, would welcome this resolution so that they could do a study and see what kind of job they are doing. Senator Darrow appeared and defended his bill briefly. He stated that many things could be done to improve the safety factors, such as burrow pits, and planting hedges etc. to absorb accidents etc. Representative Lien made a motion that Senate Joint Resolution 55 be amended on page 1, line18, by inserting after the words and punctuation: "WHEREAS," the word: "some". Representative Watt seconded the amendment and it passed unanimously.

March 2

The meeting of the Highway and Transportation Committee was called to order by Chairman Laas. The following Representatives were absent: Campbell, Harper, Rolfe, and Walborn.

Senate Bill 503: Mr. Bill Romine was present to explain this bill in the absence of Senator Drake. His testimony is attached. Jerry Loendorf representing the Montana Medical Association stated that his association supported this bill. This bill would provide a penalty for those operating a motorcycle or riding on a motorcycle without protective headgear. Also this bill would require the motorcycle to be equipped with noise suppression devices. Representative Lien felt that this bill was slightly severe. He felt the 10 dollar penalty should be amended to a lesser amount. Representative Staigmiller made a motion that Senate Bill 503 be concurred in. Representative Watt seconded the motion. Representative Lien made a substitute motion that Senate Bill 503 be not concurred in. Representative Selstad seconded the motion. Representative Aageson made a motion that Senate Bill 503 be amended on page 2, section 1, subsection (3), line 5 be deleting after the word "fined" all of the remaining material in subsection (3) and inserting in lieu thereof the following: "five dollars ($5)." Representative Lien seconded the motion and the motion failed by a vote of 7 to 4. The motion of Representative Staigmiller that Senate Bill 503 be concurred in was passed be a vote of 7 to 4.

Senate Bill 506: This bill sponsored by Senator Drake is a bill to require signs to be placed in areas where radar is used in traffic control. Senator Drake discussed the bill with the members of the committee. Representative Baeth made a motion that Senate Bill 506 be concurred in. Representative Watt seconded the motion and the bill passed with 10 in favor and 1 against.

Senate Bill 473: This bill was heard at an earlier date and is the recodification of the highway department. Representative Selstad made a motion that Senate Bill 473 be amended according to the amendments attached. The motion passed unanimously. Representative Healy made a motion that Senate Bill 473 be concurred in as amended. Representative Staigmiller seconded the motion and it passed unanimously.

There being no further business the meeting was adjourned.

Walter Laas, Chairman

8-103.1, 8-103.3, 8-111.1, 8-114, 8-127, 8-129, 8-131, 8-202, 8-203, 8-204, 8-205, 8-206, 8-207, 8-209, 8-210, 72-117, 72-121, 72-126, 72-127, 72-133, 72-134, 72-135, 72-142, 72-145, 72-146, 72-147, 72-150, 72-151, 72-152, 72-156, 72-158, 72-159, 72-160, 72-162, 72-163, 72-164, 72-165, 72-166, 72-167, 72-168, 72-662, 72-664, 72-704, 72-705, 72-706, 72-707, 72-708, 72-709, 72-711, R.C.M. 1947, the word "commission" is substituted therefor.

Section 21. There is a new section to be numbered 82A-1705, R.C.M. 1947, which reads as follows:

82A-1705. **Name changes.** Wherever the words "Montana railroad and public service commission," "railroad commissioners," "board of railroad commissioners," "board of railroad commissioners of the state of Montana," and "railroad commission of this state," appear in sections 11-1019, 11-1021, 72-627, 72-703, 88-207, 89-605, R.C.M. 1947, the words "public service commission" are substituted therefor.

Section 22. There is a new section to be numbered 82A-1706, R.C.M. 1947, which reads as follows:

82A-1706. **Name changes.** Wherever the words "railroad commissioners," "railroad and public service commissioners," and "railroad commissioner" appear in sections 23-3313, 23-3314, 23-3513, 25-501, 59-538, R.C.M. 1947, the words "public service commissioners" are substituted therefor.

Section 23. The publishers of the Revised Codes of Montana, 1947, are directed, under the supervision of the supreme court of Montana, to make the substitutions enumerated in sections 20, 21, and 22 of this act, when reprinting sections or portions of sections of the Revised Codes in either supplements to or replacement volumes for the Revised Codes.

Section 24. Sections 8-115, 8-117, 8-120, 19-117, 19-118, 70-102, 70-118, 72-102, 72-104, 72-111, 72-141, 72-631 through 72-634, 82A-1703, R.C.M. 1947, are repealed.

Approved March 28, 1974

CHAPTER NO. 316

AN ACT FOR THE CODIFICATION AND GENERAL REVISION OF THE LAWS RELATING TO THE DEPARTMENT OF HIGHWAYS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 11-1023, R.C.M. 1947, is amended to read as follows:

"11-1023. **Contracting with department of highways or federal agencies regarding construction or reconstruction of highways, streets, and roads.** The city council, commission or other governing body

of any city or town may, whenever highway construction work is to be financed in whole or in part by federal funds, contract jointly or independently with the *department of highways*, United States *federal highway administration*, or other federal agency, for the construction or reconstruction of highways, roads and streets, to acquire rights of way, and do any other thing essential and practical in securing *the* highway, road and street construction or reconstruction or rights of way as may be agreed upon between *the* city council, commission or other governing body and the *department of highways* or federal agency. All contracts for work on highways, roads and streets which *are* let pursuant to *this* authority shall be let by the highway commission."

Section 2. Section 32-317, R.C.M. 1947, is renumbered 32-2816, and is amended to read as follows:

"*32-2816.* **Designation of emergency area near construction project.** A board of county commissioners may designate a portion of a county or state secondary road as an emergency area if increased traffic due to a construction project threatens public safety."

Section 3. Section 32-318, R.C.M. 1947, is renumbered 32-2817, and is amended to read as follows:

"*32-2817.* **Notice of designation of emergency area — removal of designation.** Notice of *the* designation shall be printed in a newspaper of general circulation in the county. The notice shall describe the portion of road to be designated as an emergency area and the reason for *the* designation. The board shall post the area or roads affected with adequate signs. The board shall remove the emergency designation within thirty *(30)* days after the cessation of the increased traffic."

Section 4. Section 32-319, R.C.M. 1947, is renumbered 32-2818, and is amended to read as follows:

"*32-2818.* **Livestock not to run at large in emergency area.** A person who owns or has custody of livestock *may* not permit the livestock to run upon the emergency area unless the livestock are under herd in transit across the emergency area in the custody of an attendant."

Section 5. Section 32-320, R.C.M. 1947, is renumbered 32-2819, and is amended to read as follows:

"*32-2819.* **Impounding of animals at large — notice to owner — fees and mileage.** A sheriff or other peace officer may impound livestock running on an emergency area without an attendant and shall notify the rightful owner of such impounded livestock. If the sheriff or peace officer cannot determine the rightful owner, then a state stock inspector *of the department of livestock* or *a* deputy state stock inspector of the county may be called to examine the livestock for brands to determine ownership. The rightful owners shall be notified by the inspector and the usual inspection fees and mileage shall be paid by the owner of such livestock."

Section 6. Section 32-321, R.C.M. 1947, is renumbered 32-2820, and is amended to read as follows:

"*32-2820.* **Penalty for violations.** A person *who violates section*

32-2818 is guilty of a misdemeanor and shall be fined not less than ten dollars *($10) nor* more than fifty dollars *($50)* for each violation."

Section 7. Section 32-1018, R.C.M. 1947, is renumbered 32-21-176, and is amended to read as follows:

"*32-21-176.* **Grazing livestock on highway unlawful.** *A* person who owns or *possesses* livestock, *may not* permit *the* livestock to graze, remain upon or occupy *a* part of the right of way of *a* state highway running through cultivated areas, *nor a* part of the fenced right of way of *a* state highway, *if* in either case *the highway* has been designated by agreement between the highway commission and the secretary of *transportation* as a part of the national system of interstate and defense highways; *nor a* state highway, designated by agreement between the highway commission and the secretary of *transportation* as a part of the federal-aid primary system except as provided *in section 32-1019.*"

Section 8. Section 32-1019, R.C.M. 1947, is renumbered 32-21-177, and is amended to read as follows:

"*32-21-177.* **Exclusions from preceding section.** *Section 32-1018 does* not apply *to the following*:

(1) *Livestock* on state highways in charge of one *(1)* or more herders.

(2) *The* parts of fenced highways adjacent to open range where *a* highway device has *not* been installed to exclude range livestock.

(3) *The* parts of *a* state highway, a part of the federal-aid primary system, *which* the *department of highways designates* as being impracticable to exclude livestock. *These* portions of the highway shall be marked by proper signs in accordance with the *department's* manual and specifications for a uniform system of traffic-control devices."

Section 9. Section 32-1020, R.C.M. 1947, is renumbered 32-21-178, and is amended to read as follows:

"*32-21-178.* **Penalty for violating act.** *A person who violates section 32-21-176 is* guilty of a misdemeanor *and is* subject to a fine of not less than five dollars *($5)*, nor more than one hundred dollars *($100)*, for each offense. In *a* civil action brought by the owner, driver or occupant of a motor vehicle, or by their personal representatives or assigns, or by the owner of livestock, for damages caused by collision between *a* motor vehicle and *a* domestic animal or animals on a highway, there is no presumption or inference that *the* collision was due to negligence on the part of the owner or the person in possession of *the* livestock, or the driver or owner of the vehicle."

Section 10. Section 32-1021, R.C.M. 1947, is renumbered 32-21-179, and is amended to read as follows:

"*32-21-179.* **Flagmen escorts — prohibitions against nighttime herding on public highways.** *A* person who owns, controls *or possesses* livestock *may* not herd or drive a herd of livestock *numbering more than* ten (10) on *an* interstate or state primary *highway designated* as *such* by the highway commission unless the livestock *are* preceded and followed

by flagmen escorts for the purpose of warning other highway users. Livestock *may* not be herded *nor* driven on *an* interstate or state primary *highway* during nighttime as *that term is* defined in section 90-406, except in a case of emergency. *In the case of an emergency, during* the *nighttime* the flagmen escorts *shall* use adequate warning lights such as, but not limited to, portable lamps, lanterns, or rotating beacons. This *section does* not apply during daytime at posted livestock crossings on highways."

Section 11. Section 32-1022, R.C.M. 1947, is renumbered 32-21-180, and is amended to read as follows:

"*32-21-180.* **Violations.** *A person who violates section 32-21-179 is* guilty of a misdemeanor."

Section 12. There is a new section to be numbered 32-1123.1, R.C.M. 1947, which reads as follows:

32-1123.1. **Standards of maximum dimensions, weights, etc.** The standards provided for in sections 32-1123.2 through 32-1123.11 govern the maximum dimensions, weights, and other characteristics of motor vehicles operating over the highways in the state to the exclusion of other standards or other requirements respecting the subject matter.

Section 13. There is a new section to be numbered 32-1123.2, R.C.M. 1947, which reads as follows:

32-1123.2. **Definitions.** In sections 32-1123.1 through 32-1123.11, the following definitions apply:

(1) Vehicle — as defined in section 32-2102.

(2) Motor vehicle — as defined in section 32-2102.

(3) Truck-tractor — as defined in section 32-2103.

(4) Truck — as defined in section 32-2104.

(5) Trailer — as defined in section 32-2105.

(6) Semitrailer — as defined in section 32-2105.

(7) Dolly or converter gear — a device consisting of one (1) or two (2) axles with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, thereby converting a semitrailer into a trailer.

Section 14. There is a new section to be numbered 32-1123.3, R.C.M. 1947, which reads as follows:

32-1123.3. **Width.** A vehicle, unladen or with load, may not have a total outside width in excess of one hundred two (102) inches, except buses which may have a total outside width not to exceed one hundred two (102) inches. This bus width is allowed only on paved highways twenty (20) feet or more in width. This restriction does not apply to an implement of husbandry moved or propelled upon the highway during daylight hours for a distance of not more than one hundred (100) miles, if the movement is incidental to the farming operations of the owner of the implement of husbandry. If the implement of husbandry has a width in excess of twelve (12) feet, it shall be preceded by flagmen escorts for the purpose of warn-

ing other highway users; provided, however, that this restriction does not apply to dual wheel tractors under fifteen (15) feet over-all width which are used in farming operations. The rear of such an implement of husbandry shall properly display lights which meet standard requirements in Section 32-21-134, R.C.M. 1947. However, if the highway passes through a hazardous area, such implements of husbandry must be preceded and followed by flagman escorts.

Section 15. There is a new section to be numbered 32-1123.4, R.C.M. 1947, which reads as follows:

32-1123.4. **Height.** A vehicle, unladen or with load, may not exceed a height of thirteen (13) feet, six (6) inches.

Section 16. There is a new section to be numbered 32-1123.5, R.C.M. 1947, which reads as follows:

32-1123.5. **Length.** (1) A single truck, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of thirty-five (35) feet.

(2) A single bus, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of forty (40) feet.

(3) A combination of truck and trailer, tractor and semitrailer, tractor-semitrailer-full trailer, or tractor-semitrailer-semitrailer converted to a trailer by use of a dolly equipped with a fifth wheel, may not have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet. If the combination consists of more than two (2) units, the rear units of the combination shall be equipped with breakaway brakes.

(4) A motor vehicle may not tow more than one (1) motor vehicle, and a motor vehicle may not draw more than two (2) motor vehicles attached to it by the dual saddle-mount method, that is by mounting the front wheels of one (1) vehicle on the bed of another, leaving only the rear wheels of the vehicle in contact with the roadway, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet.

(5) A passenger vehicle or truck of less than two thousand (2,000) pounds "manufacturers' rated capacity" may not tow more than one (1) trailer or semitrailer, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet.

Section 17. There is a new section to be numbered 32-1123.6, R.C.M. 1947, which reads as follows:

32-1123.6. **Permissible loads.** (1) An axle may not carry a load in excess of eighteen thousand (18,000) pounds. An axle load is defined as the total load transmitted to the road by all wheels whose centers are included between two (2) parallel transverse verticle planes forty (40) inches apart, extending across the full width of the vehicle.

(2) (a) The gross weight of a group of axles of a vehicle or combination of vehicles, if the distance between first and last axles of a group of axles is eighteen (18) feet or less, and the gross weight of a vehicle if the distance between the first and last axles of all the axles of the vehicle is eighteen (18) feet or less, may not exceed that set forth in the following table of weights:

DISTANCE IN FEET BETWEEN THE FIRST AND LAST AXLES OF ANY GROUP OF AXLES OF ANY OR COMBINATION OF VEHICLES OR BETWEEN THE FIRST AND LAST AXLES OF ALL OF THE AXLES OF ANY VEHICLE.	MAXIMUM GROSS WEIGHT, IN POUNDS, OF ANY GROUP OF AXLES, OF ANY VEHICLE OR COMBINATION OF VEHICLES, OR OF ANY VEHICLE.
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(b) The gross weight of a vehicle or combination of vehicles, if the distance between the first and last axles of the vehicle or combination of vehicles is more than eighteen (18) feet, may not exceed that set forth in the following table of weights:

DISTANCE IN FEET BETWEEN THE FIRST AND LAST AXLES OF ALL THE AXLES OF A VEHICLE OR COMBINATION OF VEHICLES.	MAXIMUM GROSS WEIGHT, IN POUNDS, OF ANY VEHICLE OR COMBINATION OF VEHICLES.
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	68,000
40	70,000

10

41	72,000
42	73,280
43	73,280
44	73,280
45	73,280
46	73,280
47	73,280
48	73,280
49	73,280
50	73,280
51	73,280
52	73,600
53	74,400
54	75,200
55	76,000
56	76,400
57	76,800

Section 18. There is a new section to be numbered 32-1123.7, R.C.M. 1947, which reads as follows:

32-1123.7. **Special permits.** The department of highways may, based on evaluation of safety, highway capacity, and economics of highway maintenance and vehicle operation, authorize by special permit at a fee of ten dollars ($10), specifiying highway routings, the operation of a vehicle having two (2) but not more than nine (9) axles if the maximum single axle load is twenty thousand (20,000) pounds and if no two (2) consecutive axles more than forty (40) inches or less than ninety-six (96) inches apart carry a load in excess of thirty-four thousand (34,000) pounds. For purposes of this section, axles forty (40) inches or less apart are considered as a single axle. The maximum gross weight allowed on a vehicle or combination so authorized by this special permit shall be determined by the formula W equals 500 (LN/N minus 1 plus 12N plus 36) in which W equals gross weight, L equals wheel base in feet, and N equals number of axles. However, the maximum allowable gross weight on a group of axles may not exceed the following values:

2 axles	40,000 pounds
3 axles	60,000 pounds
4 axles	80,000 pounds
5 axles	85,500 pounds
6 axles	90,000 pounds
7 axles	105,500 pounds
8 axles	105,500 pounds
9 axles	105,500 pounds

This section does not apply to highways which are a part of the national system of interstate and defense highways (as referred to in section 127 of Title 23, United States Code) when application of this section would prevent this state from receiving federal funds for highway purposes.

Section 19. There is a new section to be numbered 32-1123.8, R.C.M. 1947, which reads as follows:

32-1123.8. **Measuring distance between axles.** The distance between axles shall be measured to the nearest foot. When a fractional measurement is exactly one-half (½) foot, the next larger whole number shall be used.

Section 20. There is a new section to be numbered 32-1123.9, R.C.M. 1947, which reads as follows:

32-1123.9. **Reduction under special circumstances.** The maximum axle and axle group loads stated in section 32-1123.6 are subject to reasonable reduction in the discretion of the department during periods when road subgrades have been weakened by water saturation or other causes.

Section 21. There is a new section to be numbered 32-1123.10, R.C.M. 1947, which reads as follows:

32-1123.10. **Operation without special permits.** The operation of vehicles or combinations of vehicles having dimensions or weights in excess of the maximum limits specified in sections 32-1123.1 through 32-1123.9 is permitted only if authorized by special permit issued by the department of highways or its agents, or the highway patrol.

Section 22. There is a new section to be numbered 32-1123.11, R.C.M. 1947, which reads as follows:

32-1123.11. **Federal law.** Sections 32-1123.1 through 32-1123.10 do not authorize, without a permit issued as provided by law, the operation of a combination of vehicles having a gross weight, axle load or size in excess of that authorized in those sections, or the operation of a combination of vehicles on the national system of interstate and defense highways having a gross weight or size in excess of that permitted by law in this state before July 1, 1956, or by federal law or regulation in excess thereof, which is adopted. If federal law allows establishment of size and weight limits in excess of those permitted in those sections, without penalty or denial of federal funds for highway purposes, the department of highways may, by permit designating highway routing, authorize the movement on highways under its jurisdiction of vehicles or combinations of vehicles of a size or weight in excess of the limits provided for in those sections, but within the limits necessary to qualify for federal aid highway funds.

Section 23. There is a new section to be numbered 32-1123.12, R.C.M. 1947, which reads as follows:

32-1123.12. **Authority of local authorities.** A local authority may not alter the limitations provided in sections 32-1123.1 through 32-1123.11, or substitute other limitations or requirements, except as provided in section 32-1128.

Section 24. Section 32-1124, R.C.M. 1947, is amended to read as follows:

"32-1124. **Violation, a misdemeanor.** *(1) It is* a misdemeanor for a person, firm, or corporation to *violate any provision of sections 32-1123.1 through 32-1123.11.*

(2) However, the operator of a vehicle which is loaded at a location where no scale exists may move the vehicle over the highways to the first open state scale without violating those sections and incurring the penalties provided by section 32-1125. The origin of movement shall be at such a distance from a scale that the operator could not have been reasonably expected to check the weight of the vehicle during the loading. The operator shall exhibit shipping papers or other written evidence of the location at which the vehicle was loaded. The operator shall move the vehicle toward its destination over the most direct highway route and stop at the first open state scale, permanent or portable. The load must be adjusted or reduced

to conform to the size and weight limitations of the vehicle before the vehicle is moved from the point of weighing."

Section 25. Section 32-1125, R.C.M. 1947, is amended to read as follows:

"32-1125. **Penalties.** *(1) A* person, firm or corporation *convicted of violating sections 32-1123.1 through 32-1123.11* shall be punished by a fine of not less than fifteen dollars *($15)* nor more than fifty dollars *($50)*, or by imprisonment in the county or municipal jail for not less than five (5) days nor more than twenty-five (25) days. *In addition, a* person, firm or corporation convicted of operating a motor vehicle upon the public highways of this state with weight upon *a* wheel, axle or group of axles or upon more than one *(1) of them* greater than the maximum permitted by *sections 32-1123.1 through 32-1123.11*, shall be fined, in addition to *other* penalties provided by law for *the* offense, the following amounts:

(a) Fifteen dollars *($15)* for any excess weight up to and including two thousand (2,000) pounds.

(b) Twenty-five dollars *($25)* for any excess weight more than two thousand (2,000) pounds and less than four thousand and one (4,001) pounds.

(c) Thirty-five dollars *($35)* for any excess weight more than four thousand (4,000) pounds and less than six thousand and one (6,001) pounds.

(d) Fifty dollars *($50)* for any excess weight more than six thousand (6,000) pounds and less than eight thousand and one (8,001) pounds.

(e) Eighty dollars *($80)* for any excess weight more than eight thousand (8,000) pounds and less than ten thousand and one (10,001) pounds.

(f) One hundred ten dollars *($110)* for any excess weight more than ten thousand (10,000) pounds and less than twelve thousand and one (12,001) pounds.

(g) One hundred and fifty dollars *($150)* for any excess weight more than twelve thousand (12,000) pounds and less than fourteen thousand and one (14,001) pounds.

(h) Two hundred dollars *($200)* for any excess weight more than fourteen thousand (14,000) pounds and less than sixteen thousand and one (16,001) pounds.

(i) Two hundred fifty dollars *($250)* for any excess weight more than sixteen thousand (16,000) pounds and less than eighteen thousand and one (18,001) pounds.

(j) Three hundred dollars *($300)* for any excess weight more than eighteen thousand (18,000) pounds and less than twenty thousand and one (20,001) pounds.

(k) Five hundred dollars *($500)* for any excess weight more than twenty thousand (20,000) pounds and less than twenty-five thousand and one (25,001) pounds.

(l) One thousand dollars *($1,000)* for any excess weight more than twenty-five thousand (25,000) pounds.

(2) A complaint filed and *a summons* or *notice* to appear issued pertaining to *a violation* of the gross weight regulations *in sections 32-1123.1 through 32-1123.11*, shall specify the amount of the overweight, which the defendant is alleged to have had upon the vehicle or combination of vehicles.

(3) All fines and forfeitures shall be remitted monthly by the county treasurer to the state treasurer for deposit in the state general fund."

Section 26. Section 32-1126, R.C.M. 1947, is amended to read as follows:

"32-1126. **Officers may weigh vehicles and require removal of excessive loads — badges and uniforms of highway employees.** *(1) A* peace officer, officer of the highway patrol, or *employee* of the *department may* weigh any vehicle *regulated by sections 32-1123.1 through 32-1123.11*, either by means of portable or stationary scales, and may require that *the* vehicle be driven to the nearest scales *if those* scales are within two (2) miles. *That person* may then require the driver to unload immediately *that* portion of the load necessary to decrease the weight of *the* vehicle to conform to the maximum allowable weights specified in *sections 32-1123.1 through 32-1123.11.*

(2) Commodities and material unloaded as required by this section shall be cared for and removed from the highway right of way by the owner or operator of *the* vehicle at the risk of *that* owner or operator. *The* removal shall be within *a* reasonable time designated by the *person* who has compelled *the* unloading.

(3) The *department may* establish, maintain, and operate, either intermittently or on a continuous schedule, weigh stations and require vehicles, except passenger cars and pickup trucks under eight thousand (8,000) pounds G.V.W., to enter for the purpose of weighing and inspection for compliance with all laws pertaining to *their* operation and safety requirements.

(4) An employee of the *department* engaged in the enforcement of this *section* shall wear and prominently display an identification badge or device *which shows* the employee's name and title. The *department* may authorize uniform dress for *those* employees."

Section 27. There is a new section to be numbered 32-1127.1, R.C.M. 1947, which reads as follows:

32-1127.1. **Permits for excess size and weight.** (1) The department of highways, and local authorities in their respective jurisdictions, may, in their discretion, upon application in writing and with good cause shown, issue a special permit in writing, authorizing the applicant to operate or move a vehicle, combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified in sections 32-1123.1 through 32-1123.11 upon a highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible; however, only the department has the discretion to issue permits for movement of a vehicle or combination of vehicles carrying built-up or reducible loads in excess of nine (9) feet in width or exceeding the length, height, or weight specified in sections 32-1123.1 through 32-1123.11. This permit shall be issued in the public interest; a carrier receiving this permit must have public liability and property damage insurance for the protection of the traveling public as a whole. A permit may not be issued for a period of time greater than the license period provided in Title 53 or Title 32, including grace periods allowed by those titles. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. A license required by the state

governs the issuance of a special permit. The department may issue oversize permits to dealers in implements of husbandry and self-propelled machinery which may be transferred from unit to unit by the dealer for the fees set forth in section 32-1127.3. These oversize permits expire on December 31 of each year with no grace period. For the purposes of this section, a dealer in implements of husbandry or self-propelled machinery must be a resident of the state. A post-office box number is not a permanent address under this section.

(2) The applicant for a special permit shall specifically describe the powered vehicle or towing vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to be operated or moved and the particular state highways over which the vehicle, combination of vehicles, load, object, or other thing is to be moved and whether the permit is required for a single trip or for continuous operation.

Section 28. There is a new section to be numbered 32-1127.2, R.C.M. 1947, which reads as follows:

32-1127.2. **Special permits — discretion of issuer — conditions.** The department or local authority may issue or withhold a special permit at its discretion, or, if the permit is issued, limit the number of trips, or establish seasonal or other time limitations within which the vehicle, combination of vehicles, load, object, or other thing described may be operated on the public highways indicated, or otherwise limit or prescribe conditions of operation of the vehicle, combination of vehicles, load, object, or other thing when necessary to assure against damage to the road foundation, surfaces or structures or safety of traffic, and may require an undertaking or other security considered necessary to compensate for injury to a roadway or road structure. During harvest no permit may be denied to oversize harvest or harvest-related agricultural machinery solely on the grounds that the travel takes place on a Saturday or Sunday.

Section 29. There is a new section to be numbered 32-1127.3, R.C.M. 1947, which reads as follows:

32-1127.3. **Special permits — fees.** The following fees, in addition to the regular license and gross vehicle weight fees, shall be paid for all movements under special permits on the public highways under the jurisdiction of the department:

Six dollars ($6) for each permit issued in excess of the size and weight specified in section 32-1123.1 through 32-1123.11. Term or blanket permits may not be issued for overwidth vehicles, combination of vehicles, load or other thing in excess of fifteen (15) feet, overlength vehicles, combination of vehicles, load, object or other thing in excess of eighty-five (85) feet, and overheight vehicles, combination of vehicles, load, or other thing in excess of thirteen and one-half (13 ½) feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits.

Section 30. There is a new section to be numbered 32-1127.4, R.C.M. 1947, which reads as follows:

32-1127.4. **Self-propelled vehicles.** A self-propelled vehicle used only for the purpose of moving haystacks on a commercial basis is subject to sections 32-1127.1 through 32-1127.9 except as follows:

(1) The vehicle, loaded or unloaded, may not exceed fifty-five (55) feet in length nor twenty (20) feet in width.

(2) A single load may not be moved on the vehicle a distance greater than seventy-five (75) miles from the point of origin on public roads.

(3) When the vehicle is hauling a load, it shall be accompanied by two (2) pilot cars. Each car shall be equipped with a flashing warning light, a red flag, and a sign with the words "wide load" written on it. One (1) car shall precede the vehicle by not less than one hundred (100) yards nor more than one-quarter (¼) mile, and one (1) shall follow the vehicle at a distance not less than one hundred (100) yards nor more than one-quarter (¼) mile. The following pilot car shall be in radio contact with the vehicle at all times.

(4) The speed of the vehicle shall be reasonable and proper but not in excess of thirty-five (35) miles per hour.

(5) The vehicle shall be operated only between the hours of sunrise and sunset.

(6) The vehicle may not be operated on an interstate or controlled-access highway.

(7) A term or blanket permit may be issued for the vehicle.

Section 31. There is a new section to be numbered 32-1127.5, R.C.M. 1947, which reads as follows:

32-1127.5. **Other fees — exemption.** A fee of six dollars ($6) shall be paid for each overweight permit issued, but a permit may not be issued for a period of time greater than the license period provided in Title 53 or Title 32, including grace periods allowed by those titles. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit. In addition to the permit fee, there shall be charged for single trip permits: five dollars ($5) for distances to and including one hundred (100) miles; fifteen dollars ($15) for distances from one hundred one (101) to one hundred ninety-nine (199) miles; and twenty-five dollars ($25) for distances over two hundred (200) miles traveled, for the excess load over the gross allowable load or the sum of the excess axle loads, whichever is greater.

Section 32. There is a new section to be numbered 32-1127.6, R.C.M. 1947, which reads as follows:

32-1127.6. **Permits issued to governmental entities.** Permits issued to the United States government, states, counties, cities and their political subdivisions, shall be issued without fee for a term beginning with the date of issuance and expiring December 31.

Section 33. There is a new section to be numbered 32-1127.7, R.C.M. 1947, which reads as follows:

32-1127.7. **Special permits — misrepresentations and violations.** A person who knowingly and willfully misrepresents the size or weight of a vehicle, combination of vehicles, load, object, or other thing in obtaining a special permit, or who does not follow the requirements and conditions of the special permit, or who operates a vehicle, combination of vehicles, load, object or other thing, the gross weight of which is in excess of the maximum for which that vehicle, combination of vehicles, load, object, or other thing may be eligible for license, without first obtaining a special permit, is guilty of a misdemeanor.

Section 34. There is a new section to be numbered 32-1127.8, R.C.M. 1947, which reads as follows:

32-1127.8. **Display of permit.** A special permit issued under section 32-1127.1 shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer, officer of the highway patrol, or employee of the department.

Section 35. There is a new section to be numbered 32-1127.9, R.C.M. 1947, which reads as follows:

32-1127.9. **Confiscation — action by commission.** A peace officer, officer of the highway patrol, or employee of the department who finds a person operating a vehicle, combination of vehicles, load, object, or other thing in violation of the conditions of a special permit may confiscate the permit and forward it to the highway commission. The commission may return it to the permittee or revoke, cancel, or suspend it without refund. The commission shall keep a record of all action taken upon confiscated permits, and if a permit is returned to the permittee, the action taken by the commission shall be endorsed on it. A permittee whose permit is suspended or revoked may, upon request, receive a hearing before the commission or person designated by the commission. The commission, after the hearing, may reinstate the permit or revise its previous action.

Section 36. There is a new section to be numbered 32-1127.10, R.C.M. 1947, which reads as follows:

32-1127.10. **Deposit of fees.** All fees collected under sections 32-1123.1 through 32-1127.9 shall be forwarded to the state treasurer for deposit in the state highway account in the earmarked revenue fund.

Section 37. Section 32-1128, R.C.M. 1947, is amended to read as follows:

"32-1128. **When state or local road authorities may restrict right to use highways.** *The department by order,* or *a* local road *authority* by ordinance or resolution, *may* prohibit the operation of *or impose restrictions on the weight of a vehicle traveling on a* public highway under *its* respective *jurisdiction* and for *which it is* responsible *for maintenance,* whenever *the* highway *will be seriously damaged or destroyed* by deterioration, rain, snow or other climatic conditions, unless the use of vehicles *on the highway is* prohibited or the permissible *vehicle* weights *are* reduced. *The department, or the authority who enacts the* ordinance or resolution shall erect signs designating the *department's order or the authority's* ordinance or resolution at each end of that portion of *the* high-

way affected, and the *order or* ordinance or resolution *is* not effective until *the* signs are erected. *The department, or the authority* by ordinance or resolution, *may* prohibit the operation of trucks or other commercial vehicles, or impose limitations *on their* weight on designated highways. *These* prohibitions and limitations shall be designated by appropriate signs placed on *the* highways."

Section 38. Section 32-1130, R.C.M. 1947, is amended to read as follows:

"32-1130. **Penalties for misdemeanor.** *(1)* It *is* a misdemeanor for *a* person, firm or corporation to violate any of the provisions of *section 32-1128.*

(2) A person, firm or corporation first convicted of a misdemeanor for a violation of any of the provisions of *section 32-1128* shall be punished by a fine of not less than ten dollars *($10)* nor more than fifty dollars *($50)*, or by imprisonment in the county or municipal jail for not less than five (5) days nor more than twenty-five (25) days; for a second conviction within one (1) year *the* person, firm or corporation shall be punished by a fine of not less than fifty dollars *($50)*, nor more than two hundred dollars *($200)* or by imprisonment in the county or municipal jail for not less than twenty-five (25) days nor more than one hundred (100) days, or by both *this* fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction *the* person, firm or corporation shall be punished by a fine of not less than two hundred dollars *($200)*, nor more than five hundred dollars *($500)*, or by imprisonment in the county or municipal jail for not less than one hundred (100) days nor more than six (6) months, or by both *this* fine and imprisonment."

Section 39. Section 32-1502, R.C.M. 1947, is amended to read as follows:

"32-1502. **Notice of application.** The board of commissioners *may* not grant authority to erect a toll ferry until the notice of *the* intended application has been given as required in *section 32-1503.*"

Section 40. Section 32-1627, R.C.M. 1947, is amended to read as follows:

"32-1627. **State payment of construction and maintenance costs within municipalities — municipal share of curb and gutter costs.** (1) Except as provided in subsection (2) of this section, the *department of highways* shall pay the entire costs of construction and maintenance of streets and highways which:

(a) Are state highway routes; and

(b) Are within municipalities incorporated prior to January 1, 1965.

(2) An incorporated municipality shall pay one-half (½) of the state's share of the cost of curbs and gutters along *those* streets and highways."

Section 41. Section 32-1628, R.C.M. 1947, is amended to read as follows:

"32-1628. **Bypassing of municipalities — consent of municipal**

governing body. (1) The *department may* not construct highway bypasses or highway relocation projects without prior consent of the governing body of an incorporated municipality when the bypasses or projects:

(a) Are not part of the national system of interstate highways built under the national defense highway act; and

(b) Divert motor vehicles from an existing highway route through a municipality incorporated prior to January 1, 1965.

(2) The *department* shall notify the governing body of *the* municipality by certified mail that *it proposes* to bypass the municipality. *A* contract *may not* be let nor work commenced until the governing body notifies the *department* of its consent, or until the elapse of sixty (60) days after the notice has been sent by the *department* to *the* municipality, whichever first occurs. The failure of *the* municipality to act and notify the *department* of its action within *the* sixty (60) day period *is* implied consent to the bypass.

(3) Actual consent or refusal to bypass shall be in the form of a resolution, duly adopted by a majority of the members of the governing body of the municipality.

(4) The governing body may not withdraw consent once the *department* has been notified of *the* consent."

Section 42. Section 32-1632, R.C.M. 1947, is amended to read as follows:

"32-1632. **Appointment of employees as peace officers.** The *director of highways may* appoint employees *of the department* as peace officers to carry out *sections 32-1632 through 32-1641. The* employees *appointed may* include only *those employees of the department who are employed in the administration of* the gross vehicle weight *functions of the department.* Each employee appointed shall be issued a certificate of appointment and execute an oath of office which shall be entered into the records of the *department.*"

Section 43. Section 32-1633, R.C.M. 1947, is amended to read as follows:

"32-1633. **Training of department peace officers — rules.** The *department* shall provide such training as required to qualify *those* employees to competently perform their duties under *sections 32-1632 through 32-1641,* and shall *adopt* such rules as are required and necessary for qualification of *those* employees as peace officers."

Section 44. Section 32-1634, R.C.M. 1947, is amended to read as follows:

"32-1634. **Training required before arrests authorized.** *An* employee *may not* make arrests until he has successfully completed such training as required by the *department.*"

Section 45. Section 32-1635, R.C.M. 1947, is amended to read as follows:

"32-1635. **Official attire required for making arrests and carrying firearms.** Qualified employees *may* make arrests throughout the state only when dressed in official uniform and displaying the official badge authorized by the *department.* Authorized employees may not carry firearms unless officially attired."

Section 46. Section 32-1636, R.C.M. 1947, is amended to read as follows:

"32-1636. **Power to inspect vehicle registration, receipts and other documents.** Employees of the *department appointed* under *section 32-1632 may* when officially dressed make reasonable inspection of vehicle registration receipts, *department* receipts and registrations, special permits, and other documents required to be carried in or for a vehicle traveling on the public highways of Montana."

Section 47. Section 32-1637, R.C.M. 1947, is amended to read as follows:

"32-1637. **Identification badge and uniform.** Employees of the *department* engaged in the enforcement of *sections 32-1632 through 32-1641* shall wear and prominently display an identification badge or device with the employee's name and title shown *on the identification badge or device.* The *department* may authorize uniform dress for *department* employees engaged in *such* enforcement."

Section 48. Section 32-1638, R.C.M. 1947, is renumbered 32-1631.1 and is amended to read as follows:

"*32-1631.1.* **Definition of public highways.** *In sections 32-1632 through 32-1641, the* term "public highways" *means "highways"* as defined in section 32-2114."

Section 49. Section 32-1639, R.C.M. 1947, is amended to read as follows:

"32-1639. **Offenses for which arrest authorized.** *Employees appointed under section 32-1632 may* make arrests for violations of the following statutory provisions only:

(1) *Sections 32-1123.1* through 32-1130;

(2) *Sections* 32-3201 through 32-3203;

(3) *Title 32, chapter 33;*

(4) *Title 32, chapter 34;*

(5) Section 53-119.1;

(6) Section 84-1833;

(7) Sections 84-1841 through 84-1844;

(8) Sections 84-6601 through 84-6605.

These employees *may not* arrest *for violations* other than specified *in this section."*

Section 50. Section 32-1640, R.C.M. 1947, is amended to read as follows:

"32-1640. **Co-operation with other agencies.** *Such* employees of the *department* shall co-operate with other law enforcement agencies."

Section 51. Section 32-1641, R.C.M. 1947, is amended to read as follows:

"32-1641. **Duty of authorized employee upon making an arrest — power to fix and accept bail — fees of justices of peace.** *(1) Such* employees, upon making an arrest, shall deliver to the offender a form of *notice to appear* describing the nature of the offense with instructions *on the notice to appear* for the offender to report to the nearest justice of the peace. *The* employee *may* accept a deposit for appearance justifiable for the offense charged. The person arrested may be detained for a reasonable time for the purpose of issuing the *notice. If* the employee accepts bail, he shall give a signed receipt to the offender setting forth the amount received. The employee shall then deliver the bail money to the justice of the peace before whom the offender is to appear, *and* the justice of the peace shall give a receipt to the employee for the amount of bail money delivered. After *the* filing of the complaint and appearance of the defendant, the justice of the peace shall assume jurisdiction and may set and accept further appearance bail bond.

(2) For the purpose of *sections 32-1632 through 32-1641* only, the fees of justices of the peace in all offenses in which the statutory fine is five dollars ($5) or less, shall be one dollar ($1), but if the statutory fine is in excess of five dollars ($5), the justices of the peace *are* permitted the fee prescribed by law; no additional fees shall be paid justices of the peace where salaries are fixed by law."

Section 52. Section 32-2133, R.C.M. 1947, is amended to read as follows:

"32-2133. **Department of highways to adopt sign manual.** The *department of highways* shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with this act for use upon highways within the state. *This* uniform system shall correlate with and so far as possible conform to the system then current as approved by the American association of state highway officials; however, the *department* shall adopt for use on controlled access highways, the interstate sign manual as adopted by the American association of state highway officials, February 10, 1958, and approved by the United States department of commerce, bureau of public roads, February 21, 1958, and all subsequent amendments relating thereto."

Section 53. Section 32-2134, R.C.M. 1947, is amended to read as follows:

"32-2134. **Department of highways to sign all state highways.** (a) The *department of highways* shall place and maintain traffic-control devices, conforming to its manual and specifications, upon all state highways it *considers* necessary to indicate and to carry out this act or to regulate, warn, or guide traffic.

(b) *A* local authority *may not* place or maintain *a* traffic-control device upon *a* highway under the jurisdiction of the *department* except by the latter's permission.

(c) *Only the department may* erect and maintain *these* traffic-control devices conforming to its manual and specifications *on a* controlled access highway or controlled access facility. The erection of *a* sign, marker, or emblem *on* a controlled access facility or controlled access highway by any other public authority, or agent, or by *a* private individual, firm or corporation is *unlawful* and a misdemeanor and *punishable* as provided in *subsection* (e).

(d) The erection or maintenance of *a* sign, marker, emblem or traffic-control device *on a* state highway except a controlled access highway or controlled access facility, *is* subject to the rules, regulations, and specifications the *department adopts* and *publishes* in the interest of public safety and convenience.

(e) The erection of *a* sign, emblem, marker or traffic-control device in violation of this section *is* a misdemeanor, punishable by a fine of not less than twenty-five dollars *($25)* nor more than three hundred dollars *($300)*.

(f) *An* unauthorized sign, emblem, marker or traffic-control device or portion thereof encroaching into, over, or upon a right of way of *a* state highway, or controlled access highway is a public nuisance, and the *department may* remove *it* or cause it to be removed without notice and without liability for *the* removal."

Section 54. Section 32-2134.3, R.C.M. 1947, is amended to read as follows:

"32-2134.3. **Posting of act along highways.** *The department of highways shall* post notices of this act, and the penalties provided for, at locations designated by the *department.*"

Section 55. Section 32-2144, R.C.M. 1947, is amended to read as follows:

"32-2144. **Speed restrictions — basic rule.** (a) *A* person operating or driving a vehicle of any character on a public highway of this state shall drive *it* in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account *the* amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to view ahead, and *he shall drive it* so as not to unduly or unreasonably endanger the life, limb, property, or other rights of *a* person entitled to the use of the street or highway.

(b) Where no special hazard exists that requires lower speed for compliance with paragraph (a) of this section, the speed of *a* vehicle not in excess of the limits specified in this section or established as authorized *in sections 32-2145, 32-2146, 32-2147, and 32-2149 is* lawful, but *a* speed in excess of *those* limits *is* unlawful:

1. Twenty-five (25) miles per hour in *an* urban district;

2. Thirty-five (35) miles per hour on *a highway* under construction or *repair*;

3. Fifty-five (55) miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways *is* sixty-five (65) miles per hour.

"Daytime" means from a half (½) hour before sunrise to a half (½) hour after sunset. "Nighttime" means at any other hour.

The speed limits set forth in this section may be altered *by the highway commission* as authorized in sections 32-2145, 32-2146, *and 32-2149.*

(c) The driver of *a* vehicle shall, consistent with paragraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon *a* narrow or winding roadway, and when *a* special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition."

Section 56. Section 32-2145, R.C.M. 1947, is amended to read as follows:

"32-2145. **Establishment of special speed zones.** *(1) If the department of highways determines upon the basis of an engineering and traffic investigation that a speed limit set by section 32-2144 is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, dangerous location, or any other part of a highway under its jurisdiction, the commission may set a reasonable and safe special speed limit at that part.*

(2) The department shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times, or at other times the commission sets.

(3) The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

(4) This section does not authorize the commission to set a state-wide speed limit."

Section 57. Section 32-2146, R.C.M. 1947, is amended to read as follows:

"32-2146. **When local authorities may and shall alter limits.** (a) *If a* local *authority* in *its jurisdiction determines* on the basis of an engineering and traffic investigation that the speed permitted under this act is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may *set* a reasonable and safe limit thereon which:

1. Decreases the limit at intersection; or

2. Increases the limit within an urban district, but not to more than fifty-five (55) miles per hour during *the* nighttime; or

3. Decreases the limit outside an urban district, but not to less than thirty-five (35) miles per hour.

(b) *A local authority* in *its jurisdiction* shall determine by an engineering and traffic investigation the proper speed for all arterial streets and shall *set* a reasonable and safe limit thereon which may be greater or less than the speed permitted under this act for an urban district.

(c) *An* altered limit established as authorized *under this section is* effective at all times or at other times determined *by the authority* when appropriate signs giving notice *of the altered limit* are erected upon *the* highway.

(d) *The commission has exclusive jurisdiction to set special speed* limits on all federal-aid highways or extensions thereof in all municipalities or urban areas. *The commission shall set these limits in accordance with section 32-2145."*

Section 58. Section 32-2147, R.C.M. 1947, is amended to read as follows:

"32-2147. **Minimum speed regulations.** (a) *A* person *may not* drive a motor vehicle at a speed *slow enough* to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle, including a passenger vehicle, behind which four (4) or more vehicles are formed in line, shall turn off the roadway at the nearest place designated as a turnout by signs erected by the authority having jurisdiction over the highway, or wherever sufficient area for a safe turnout exists, in order to permit the vehicles following it to proceed. As used in this section a slow-moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. The department of highways is authorized to designate and construct such turnouts and to erect signs at appropriate places advising motorists of this statute.

(b) *If* the *department of highways* or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the *commission* or *the* local authority may *set* a minimum speed limit below which *a* person *may not* drive a vehicle except when necessary for safe operation or in compliance with law."

Section 59. Section 32-2149, R.C.M. 1947, is amended to read as follows:

"32-2149. **Special speed limitations.** (a) *A* person *may not* drive *a* vehicle equipped with solid rubber or cushion tires at a speed greater than ten (10) miles per hour.

(b) *A* person *may not* drive a vehicle over *a* bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to *the* bridge or structure, when *the* structure is signposted as provided in this section.

(c) The *department of highways* upon request from *a* local authority may, or upon its own initiative shall, conduct an investigation of *a* bridge or other elevated structure constituting a part of a highway, and if it *finds on investigation* that *the* structure cannot *safely* withstand vehicles traveling at the speed otherwise permissible under this act, the *commission* shall *set* the maximum speed of vehicles which *the* structure can withstand, and *the department* shall *erect and maintain* suitable signs stating *the* maximum speed at a distance of not less than one hundred (100) feet before each end of *the* structure.

(d) Upon the trial of *a* person charged with a violation of this section, proof of *the setting* of the maximum speed by *the commission* and the existence of *the* signs *is* conclusive evidence of the maximum speed which can be maintained with safety to *the* bridge or structure."

Section 60. Section 32-2157, R.C.M. 1947, is amended to read as follows:

"32-2157. **No-passing zones.** (a) The *department of highways may* determine those portions of *a* highway where overtaking and passing or driving to the left of the roadway would be especially hazardous, and *it* may by appropriate signs or markings on the roadway indicate the beginning and end of *these* zones. *When the* signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions *of those signs.*

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) *a* driver *may not* drive on the left side of the roadway within *the* no-passing zone or on the left side of *a* pavement striping designed to mark *the* no-passing zone throughout its length."

Section 61. Section 32-2158, R.C.M. 1947, is amended to read as follows:

"32-2158. **One-way roadways and rotary traffic islands.** (a) The *department of highways* may designate *a* highway or *a* separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice *of that designation.*

(b) Upon a roadway designated and signposted for one-way traffic a vehicle *may* be driven only in the direction designated.

(c) A vehicle passing around a rotary traffic island *may* be driven only to the right of such island."

Section 62. Section 32-2163, R.C.M. 1947, is amended to read as follows:

"32-2163. **Restrictions on use of controlled access roadway.** *(1) The department of highways may by rule and local authorities may by ordinance prohibit the use of a controlled access highway under their respective jurisdictions by pedestrians, bicycles or other nonmotorized traffic or by a person operating a motor driven cycle.*

(2) The *department* or the local authority *which adopts the* prohibitory regulation shall erect and maintain official signs on the controlled access

roadway on which *these* regulations are applicable. *It is unlawful for a* person *to violate* the restrictions stated on *those* signs."

Section 63. Section 32-2174, R.C.M. 1947, is amended to read as follows:

"32-2174. **Vehicles approaching "Yield" sign.** When the intersection is designated by the *department of highways*, or the local authority having jurisdiction, as a "Yield" intersection, the driver of a vehicle approaching the "Yield" sign shall slow to a speed of not more than fifteen (15) miles per hour and yield right of way to all vehicles approaching from the right or left on the intersecting roads, or streets, which are so close as to constitute an immediate hazard. If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a "Yield" sign, such collision or interference shall be deemed evidence of the driver's failure to yield right of way."

Section 64. Section 32-2192, R.C.M. 1947, is amended to read as follows:

"32-2192. **All vehicles must stop at certain railroad grade crossings.** The *department of highways* and local authorities *may* designate particularly dangerous highway grade crossings of railroads and erect stop signs *at these crossings*. When *these* stop signs are erected, the driver of *a* vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of *the* railroad and shall proceed only upon exercising due care."

Section 65. Section 32-2195, R.C.M. 1947, is amended to read as follows:

"32-2195. **Vehicles must stop at stop signs.** (a) The *department of highways* with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs at specified entrances *to these highways* or may designate *an* intersection as a stop intersection and erect *similar* signs at one (1) or more entrances to *that* intersection.

(b) *The* sign shall bear the word "Stop" in letters not less than eight (8) inches in height, and *it* shall be *made* luminous *at nighttime* by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign.

(c) *The* stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the nearest line of the roadway.

(d) *A* driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, *he* shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer or highway patrolman or traffic-control signal."

Section 66. Section 32-21-102, R.C.M. 1947, is amended to read as follows:

"32-21-102. **Additional parking regulations.** (a) Except as otherwise provided in this section, *a* vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of *the* vehicle parallel to and within eighteen (18) inches of the right-hand curb.

(b) *A local authority* may by ordinance permit parking of *a* vehicle with the left-hand wheels adjacent to and within eighteen (18) inches of the left-hand curb of a one-way roadway.

(c) *A local authority* may by ordinance permit angle parking on *a* roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the *department of highways determines* that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The *department* with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on *a* highway where in its opinion *this* stopping, standing, or parking, is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic *on it. These* signs shall be official signs, and *a* person *may not* stop, stand, or park *a* vehicle in violation of the restrictions stated on *these* signs."

Section 67. Section 32-21-149, R.C.M. 1947, is amended to read as follows:

"32-21-149. **Restrictions as to tire equipment.** (a) *A* solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

(b) *A* person *may not* operate or move on *a* highway *a* motor vehicle, trailer, or semitrailer having *a* metal tire in contact with the roadway.

(c) *A* tire on a vehicle moved on a highway *may not* have on its periphery *a* block, stud, flange, cleat, or spike or other protuberance of *a* material other than rubber which projects beyond the tread of the traction surface of the tire, except that it *is* permissible to use farm machinery with tires having protuberances which will not injure the highway. *It is also* permissible to use tire chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with material such as wood, wire, plastic or metal, which *may not* protrude more than one-sixteenth (1/16) of an inch beyond the tire tread, upon *a* vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The use of pneumatic tires embedded as provided *in this section is* permitted only between the first day of October and the last day of May of each year, except that one *(1) of those tires* may be used for a spare in case of tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through the following June 15.

(d) The *department of highways* and local authorities in their respec-

tive jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of *farm tractors or other farm machinery, or of* traction engines or tractors having movable tracks with transverse corrugations upon the periphery of *the* movable tracks, the operation of which upon the highway would otherwise be prohibited under this act.

(e) *A* person violating this *section is* guilty of *a* misdemeanor."

Section 68. Section 32-2202, R.C.M. 1947, is amended to read as follows:

"32-2202. **Legislative policy and intent.** Consistent with the foregoing determinations and declarations the legislative assembly intends:

(1) To place a high degree of trust in the hands of those officials whose duty it is, within the limits of available funds, to plan, develop, operate, maintain and protect the highway facilities of this state for present as well as for future use.

(2) To make the *department of highways* custodian of the federal-aid and state highways, and to impose similar responsibilities upon the boards of county commissioners with respect to county roads and upon municipal officials with respect to the streets under their jurisdiction.

(3) That the state shall have integrated systems of highways, roads, and streets, and that the *department of highways*, the counties and municipalities assist and co-operate with each other to that end.

(4) To provide sufficiently broad authority to enable the highway officials at all levels of government to function adequately and efficiently in all areas of their respective responsibilities, subject to the limitations of the constitution and the legislative mandate hereinafter imposed."

Section 69. Section 32-2203, R.C.M. 1947, is amended to read as follows:

"32-2203. **General definitions.** Subject to additional definitions contained in this *title* which are applicable to specific chapters or *sections*, and unless the context otherwise requires, terms are defined as follows:

(1) "Abandonment" — Cessation of use of right of way (easement) or activity thereon with no intention to reclaim or use again. (Sometimes called "vacation.")

(2) "Auditor" — County auditor.

(3) "Board" — Board of county commissioners.

(4) "Bridge" — Includes rights of way or other interest in land, abutments, superstructures, piers, and approaches except dirt fills.

(5) "Clerk" — County clerk and recorder.

(6) "Commission" — *Highway* commission *provided for in section 82A-706.1.*

(7) "Committee" — Local improvement district committee of supervisors.

(8) "Condemnation" — Taking by exercise of the right of eminent domain.

(9) "Construction"—Supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of right of way or other interests in land and elimination of hazards at railway-grade crossings.

(10) "Control of access" — The condition in which the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority.

(11) "County road" — Any public highway opened, established, constructed, maintained, abandoned, or discontinued in accordance with *chapters* 31 *and 40* of this title.

(12) "Department" — Department of highways provided for in Title 82A, chapter 7.

(13) "Director" — Director of highways, a position provided for in section 82A-701.

(14) "Easement" — A right acquired by public authority to use or control property for a designated purpose.

(15) "Eminent domain" — The right of the state to take private property for public use.

(16) "Federal-aid highway" — Any public highway which is a portion of any of the federal-aid highway systems.

(17) "Federal-aid highway systems" — All of the systems named hereafter and their urban extensions.

(18) "Federal-aid interstate system" — That system of public highway selected by the commission in co-operation with adjoining states, subject to the approval of the secretary of commerce as provided in the Federal Highway Act, as amended.

(19) "Federal-aid primary system" — That system of connected public highways designated by the commission subject to the approval of the secretary of commerce, as provided in the Federal Highway Act, as amended.

(20) "Federal-aid secondary system" — That system of public highways not on the federal-aid primary or interstate systems selected by the commission in co-operation with the boards of county commissioners, subject to the approval of the secretary of commerce, as provided in the Federal Highway Act, as amended.

(21) "Fee simple" — An absolute estate or ownership in property including unlimited power of alienation.

(22) "Highway" — Includes rights of way or other interests in land, embankments, retaining walls, culverts, sluices, drainage structures, bridges, railroad-highway crossings, tunnels, signs, guardrails, and protective structures.

(23) "Highway," "road," "street" — Whether they appear together or separately or are preceded by the adjective "public," these are general terms denoting a public way for purposes of vehicular travel, including the entire area within the right of way.

(24) "Highway authority (ies)" — The entity (ies) at any level of government authorized by law to construct and maintain highways.

(25) "Maintenance" — Preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

(26) "Public highways" — All streets, roads, highways, bridges, and related structures, which have been or shall be:

(a) Built and maintained with appropriated funds of the United States or the state or any political subdivision thereof.

(b) Dedicated to public use.

(c) Acquired by eminent domain.

(d) Acquired by adverse user by the public, jurisdiction having been assumed by the state or any political subdivision thereof.

(27) "Right of way" — A general term denoting land, property, or any interest therein, usually in a strip, acquired for or devoted to highway purposes.

(28) "State highway" — Any public highway planned, laid out, altered, constructed, reconstructed, improved, repaired, maintained, or abandoned by the *department.*

(29) "Superintendent" — County road superintendent.

(30) "Supervisor" — County road supervisor.

(31) "Surveyor" — County surveyor.

(32) "Toll bridge" — Any bridge constructed by the *department,* together with all appurtenances, additions, alterations, improvements, replacements, and the approaches thereto, lands used therefor, and improvements thereon.

(33) "Treasurer" — County treasurer."

Section 70. Section 32-2301, R.C.M. 1947, is amended to read as follows:

"32-2301. **Classification — highways and roads.** (1) Public highways of this state are classed as follows:

(a) Federal-aid highways

(b) State highways

(c) County roads

(d) City streets.

(2) All highways which are not designated, selected, *or* established, *by the commission* constructed or maintained by the *department* are county roads or city streets.

(3) County roads are those opened, established, constructed, maintained, changed, abandoned, or discontinued, in accordance with *chapters* 31 *and 40* of this title.

(4) City streets are those public highways under the jurisdiction of municipal officials."

Section 71. Section 32-2401, R.C.M. 1947, is amended to read as follows:

"32-2401. **Assent to federal-aid acts.** (1) The legislative assembly, for and on behalf of the state of Montana, assents to the provisions of the Federal-Aid Road Act, approved July 1, 1916, and the Federal Highway Act, approved November 9, 1921, and all amendments thereto.

(2) The *department* may, for and on behalf of the state, enter into all contracts and agreements with the United States or any officer, department, or bureau thereof relating to the construction, reconstruction, repair, and maintenance of highways in the state.

(3) The *department* may make all rules necessary to comply with the provisions of the acts assented to, and all other acts granting aid for public highways, and to obtain for the state the full benefits of such acts.

(4) The *department* may do all other things necessary or required to carry out fully the co-operation contemplated by the acts of Congress assented to."

Section 72. Section 32-2402, R.C.M. 1947, is renumbered 82A-706.1, and is amended to read as follows:

"*82A-706.1.* **Highway commission.** *(1) (a)* The highway commission consists of five (5) members. *One (1) member shall be a bona fide resident of and appointed from each of these districts, each composed of the counties named:*

(i) District 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Lewis and Clark, Jefferson, Broadwater.

(ii) District 2. Powell, Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, Wheatland, Park, Sweet Grass.

(iii) District 3. Glacier, Toole, Liberty, Hill, Blaine, Pondera, Teton, Chouteau, Cascade, Judith Basin.

(iv) District 4. Fergus, Petroleum, Garfield, Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland, Roosevelt, Daniels, Sheridan.

(v) District 5. Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Rosebud, Treasure, Custer, Powder River, Carter, Fallon.

(b) No two (2) members may at the time of appointment or thereafter during their respective terms of office be residents of the same district.

(c) Not more than three (3) members may at the time of appointment or thereafter during their respective terms be members of the same political party.

(d) No elective state official or state officer during the term of office to which he was elected or appointed and no state employee may be a member of the commission.

(2) No resolution, motion, or other decision of the commission may be adopted or passed without the favorable vote of at least three (3) members.

(3) The commission is allocated to the department for administrative purposes only as prescribed in section 82A-108.

(4) The commission is designated as a quasi-judicial board for purposes of section 82A-112. However, members of the commission on December 15, 1971, shall serve for the remainder of their terms."

Section 73. Section 32-2404, R.C.M. 1947, is amended to read as follows:

"32-2404. **Commission members — bond — meetings.** (1) Each member *of the highway commission* shall give bond conditioned for the faithful performance of his duties in the sum of ten thousand dollars ($10,000).

(2) *The commission shall meet at least once each month for the purpose of transacting business."*

Section 74. Section 32-2406, R.C.M. 1947, is amended to read as follows:

"32-2406. **General power of department.** The *department* may plan, lay out, alter, construct, reconstruct, improve, repair, maintain, and *the commission may* abandon highways on the federal-aid systems and state highways. *The department* may co-operate and contract with counties and municipalities to provide assistance in performing *these* functions on other highways and streets."

Section 75. Section 32-2407, R.C.M. 1947, is amended to read as follows:

"32-2407. **Commission to designate highways — rules of department.** (1) The commission shall designate such public highways in the state as shall be classed as the federal-aid primary system.

(2) The commission shall in co-operation with the board of county commissioners, select such public highways in the state as shall be classed as the federal-aid secondary system, taking into consideration the traffic count on *those highways*, the continuity of *the highways* in relation to the state highway systems as *they* may connect or tie into a unified system of federal-aid highways, and the taxable valuations which are affected by *those public highways.*

(3) The commission shall, in co-operation with adjoining states, select the routes of the federal-aid interstate system.

(4) The commission shall designate such public highways in the state

as shall be classed as state highways, and *the department shall adopt* necessary rules for the construction, repair, maintenance, and marking of state highways and bridges."

Section 76. Section 32-2408, R.C.M. 1947, is amended to read as follows:

"32-2408. **Designation of highways not located entirely within the state.** (1) The commission may designate highways subject to improvement under the provisions of the Federal-Aid Road Act, approved July 11, 1916, the Federal Highway Act, approved November 9, 1921, and all amendments thereto, even though *those* highways are not located entirely and continuously within the boundaries of the state. *The* designations shall meet the following conditions:

(a) That the highway is on an approved federal-aid route and eligible for improvement under the federal-aid acts.

(b) That the location of a portion of the route outside the boundaries of the state is necessary because of natural geographical or physical conditions which make the construction of the highway within the state impossible or impracticable.

(c) That the portion of the route located outside the state does not connect with and is not a part of the state highway system of the adjoining state.

(2) The *department* may expend funds for the construction, reconstruction, engineering, administration, betterment, and maintenance of *these designated* highways. It may do all things necessary or required to carry out fully the co-operation contemplated under the federal-aid acts with regard thereto."

Section 77. Section 32-2409, R.C.M. 1947, is amended to read as follows:

"32-2409. **Duties of commission and department — reports.** *(1)* The commission *may adopt* rules necessary for its government.

(2) *The department shall:*

(a) Maintain and preserve *the* records *of the commission* in its office at the capitol.

(b) *File and preserve copies* of all plans, specifications, contracts, estimates, and official acts *taken by it or by the commission.*

(c) Prepare and submit to the governor on or before the fifteenth day of each month a report of work constructed, under construction, and proposed for construction, the progress made during the preceding month, and recommendation for improvements and their estimated costs."

Section 78. Section 32-2410, R.C.M. 1947, is amended to read as follows:

"32-2410. **Compilation of statistics — investigation — consultation.** (1) The *department* shall compile statistics regarding public highways throughout the state and collect all related information deemed expedient.

(2) It shall investigate various methods of construction adapted to different sections of the state, and decide the best methods of construction and maintenance of highways, bridges, and road markers.

(3) The *department* may be consulted at all reasonable times by county officers having care and authority over highways and bridges and shall advise them on construction, repair, alteration, or maintenance.

(4) The *department* shall furnish such information and advice as may be requested by persons interested in the construction, maintenance, and marking of public highways. *It* shall at all times lend *its* aid in promoting highway improvement throughout the state."

Section 79. Section 32-2411, R.C.M. 1947, is amended to read as follows:

"32-2411. **Agreements concerning effects of weight on highways.** (1) The *department* may contract with the United States or any state or group of states, or agencies thereof, or any nonprofit association, on a joint or co-operative basis, to study, analyze, or test the effects of weights on highways. Studies or tests shall seek solutions to the problems connected with the imposition of motor vehicle weights on highways.

(2) Studies or tests may be made either by designating existing highways or by constructing test strips, including natural resource roads."

Section 80. Section 32-2412, R.C.M. 1947, is amended to read as follows:

"32-2412. **Seeding along highways.** (1) After a federal-aid or state highway is constructed, the *department* shall seed borrow pits, slopes and shoulders to an adaptable perennial grass or combination of perennial grasses and legumes whenever establishment of perennial grass covers seem suitable. The seed shall be certified.

(2) The *department* shall seek joint recommendations and specifications as to time and method of seeding, fertilizing practices and grass species from the Montana extension service, the experiment station, and the soil conservation service."

Section 81. Section 32-2413, R.C.M. 1947, is amended to read as follows:

"32-2413. **Description and plan of new highway or reconstructed or controlled access facility — recording.** (1) Whenever the *department establishes* the location, width, and lines of any new, reconstructed, or proposed highway, or *the commission designates a* road, street or highway as a controlled access facility, *the department* shall make a description and plan showing the center line and the established width, the immediate boundary lines of all private property over, across or through which *the* highway *passes*, the name or names of the owner *of the property*, the boundaries of that part of *the* private ownership included within the right of way of *the* highway, and the parcel number assigned to that part of each ownership included within *the* highway right of way, together with the project number under which *the* highway *is* or is proposed to be constructed or reconstructed.

(2) *Reference* to the project number, parcel number, and section, or quarter section, tract, block or lot from which the same has been subdivided *is* valid description of *the* parcel in all deeds given to or received from the state *in which a* parcel *is* transferred."

Section 82. Section 32-2414, R.C.M. 1947, is amended to read as follows:

"32-2414. **Relocation of utilities facilities — hearings — order.** (1) After appropriate hearings, the *department* may *adopt* reasonable regulations for the installation, construction, maintenance, repair, renewal, or relocation of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances (hereafter called "facilities") of *a* utility in, on, along, over, across, through or under *a* project on any of the federal-aid systems.

(2) The *department* shall give written notice of the place and time of a public hearing to determine the necessity of *a* relocation of facilities to all concerned not less than twenty (20) days before the hearing. Hearing may be waived in writing by the utility concerned or other interested parties.

(3) After the hearing, the *department* may determine that *the* facilities must be relocated. If so, the utility owning or operating the facilities shall relocate them in accordance with the order of the *department.* The utility and its successors and assigns may maintain and operate the relocated facilities, with the necessary appurtenances, in the new location."

Section 83. Section 32-2415, R.C.M. 1947, is amended to read as follows:

"32-2415. **Relocation — costs.** Seventy-five per cent (75%) of all costs of relocation, including the costs of acquisition of new right of way, of dismantling, and of removal, shall be paid by the *department* as a cost of highway construction."

Section 84. Section 32-2419, R.C.M. 1947, is amended to read as follows:

"32-2419. **Ports of entry and checking stations authorized.** To augment and help make more efficient and effective the enforcement of certain laws of the state, the *department shall* establish temporary or permanent ports of entry or checking stations upon highways in the state at places *which* the *department considers* necessary and advisable."

Section 85. Section 32-2420, R.C.M. 1947, is amended to read as follows:

"32-2420. **Checking stations required at major points of entry into state.** In addition to the power granted to *it* in section *32-2419, the department shall* establish checking stations at convenient points on the major highways entering this state, and *the* checking stations shall be kept open at all times."

Section 86. Section 32-2421, R.C.M. 1947, is amended to read as follows:

"32-2421. **Co-operation in use of ports of entry and checking stations.** The *department* shall co-operate with other agencies *and political subdivisions* of this state in the use of *the* ports of entry or checking stations, so that maximum use can be made of *the* facilities in enforcement of the laws of this state."

Section 87. Section 32-2422, R.C.M. 1947, is amended to read as follows:

"32-2422. **Purposes of act.** *The purpose of sections 32-2422 through 32-2425 is:*

(1) To promote the safety, convenience and enjoyment of travel on, and protection of the public investment in the highways of this state.

(2) To restore, preserve and enhance scenic beauty within the right of way of and adjacent to *the* highways.

(3) To entitle the state to receive and expend the three per *cent* (3%) nonmatching funds from the United States *under* Title 23, United States Code."

Section 88. Section 32-2423, R.C.M. 1947, is amended to read as follows:

"32-2423. **Purposes for which federal funds to be expended.** The *department may* expend funds apportioned to the state under Public Law 89-285, Title III, Section 301 (a), October 22, 1965, 79 Statute 1032, for the following purposes:

(a) For landscape and roadside development within the rights of way of federal-aid highways of this state;

(b) For acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to *the* highways; and

(c) For acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to federal-aid highway rights of way reasonably necessary to accommodate the traveling public."

Section 89. Section 32-2424, R.C.M. 1947, is amended to read as follows:

"32-2424. **Extent of interest acquired.** The *department* may acquire the fee simple or any lesser estate or interest as determined by *it* to be reasonably necessary to accomplish the purposes of *section 32-2422 through 32-2425. Acquisition* may be made by gift, purchase, or exchange."

Section 90. Section 32-2425, R.C.M. 1947, is amended to read as follows:

"32-2425. **Expenditure of funds.** The *department* shall expend only nonmatching funds authorized under section 319 (b) of the Federal Highway Beautification Act of 1965, as amended, in carrying out the authority granted by *sections 32-2422 through 32-2424.*"

Section 91. Section 32-2426, R.C.M. 1947, is amended to read as follows:

"32-2426. **Department to fence along state highways through open range where livestock a hazard — gates — "open range" defined.** (1) The *department* shall fence the right of way of any part of the state highway system that is constructed or reconstructed, after *July 1, 1969,* through open range where livestock present a hazard to the safety of the motorist. *Where* a fence is constructed, adequate stock gates or stock passes, as necessary, shall be provided to make land on either side of the highway usable for livestock purposes.

(2) *In sections 32-2426 and 32-2427* "open range" means all private and public lands in the state not inclosed by a fence of not less than four (4) wires in good repair, but does not include herd districts as created and defined by section 46-1501."

Section 92. Section 32-2427, R.C.M. 1947, is amended to read as follows:

"32-2427. **Department to designate areas where fencing needed.** The *department* shall designate the open range areas where livestock present a sufficient safety hazard to the motorist to warrant fencing by the *department.*"

Section 93. There is a new section to be numbered 32-2504, R.C.M. 1947, which reads as follows:

32-2504. **Board of highway appeals — hearings.** The board of highway appeals, provided for in section 82A-704, shall hear grievances of personnel of the department of highways. An employee of the department who has a grievance and who has exhausted all other administrative remedies within the department, is entitled to a hearing before the board for a resolution of the grievance. A grievance of an employee means an employee's dissatisfaction concerning a serious matter of his employment based upon work conditions, supervision, or the result of an administrative action.

Section 94. Section 32-2601, R.C.M. 1947, is amended to read as follows:

"32-2601. **Distribution and use of proceeds of gasoline dealers' license tax.** *(1)* All money received in payment of license taxes under the *Distributor's Gasoline License Tax Act,* except those amounts paid out of the *department of revenue's* suspense account for gasoline tax refund, shall be used and expended as provided in this section. So much of *that* money on hand at any time as may be needed to pay highway bonds and interest thereon when due and to accumulate and maintain a reserve therefor, as provided in laws and in resolutions of the state board of examiners authorizing such bonds, shall be deposited in the highway bond account in the sinking fund established by section 79-410. The legislative assembly hereby finds as a fact that the principal and interest and reserve requirements of bonds so authorized are a necessary cost of administering laws under which gasoline license taxes are derived, payment of highway obligations, and cost of construction, reconstruction, maintenance and

repair of public highways, roads, streets, and bridges. Subject to *that* provision, six-tenths of one per cent (.6%) of all money shall be deposited in the state park account in the earmarked revenue fund. All of the remainder of *the* money shall be used and expended by the *department of highways* on the federal-aid highways in this state selected and designated under the Federal-Aid Act, approved July 11, 1916, and the Federal Highway Act, approved November 9, 1921, and all amendments thereto, and on highways leading from each county seat in the state to *the* federal highway system of federal-aid roads where *the* county seat is not on *the* system, and on *the* other roads *which* have been or may be authorized by the laws of Montana, and for collection of the license taxes and the enforcement of the Montana highway code, *under* article *VIII*, section *6* of the constitution of *this* state. *The department shall*, in expending *this* money, carry forward construction from year to year, using the money expended through the matching up of federal-aid allotments to Montana upon the federal highway system in the various parts of the state in accordance with sections 32-2605 through 32-2607; nothing in this act *conflicts* with *those* federal-aid highway acts and the rules by which they are administered. The *department may* enter into co-operative agreements with the national park service and the *federal highway administration* for the purpose of maintaining national park approach roads in Montana.

(2) Money credited to the state park account in the earmarked revenue fund shall be used only for the creation, improvement, and maintenance of state parks where motor boating is allowed, except for the payment of refunds *under* section *84-1855*. The legislative assembly hereby finds as a fact that of all the fuel sold in the state for consumption in internal combustion engines, not less than six-tenths of one per *cent* (.6%) is used for propelling boats on waterways of this state."

Section 95. Section 32-2603, R.C.M. 1947, is amended to read as follows:

"32-2603. **Districts for apportionment of department funds.** All money available to the *department* for highway construction purposes shall be apportioned among these financial districts, each composed of the counties named:

District 1. Lincoln, Flathead, Lake.

District 2. Glacier, Toole, Liberty, Hill, Blaine.

District 3. Phillips, Valley, Daniels, Sheridan, Roosevelt.

District 4. McCone, Richland, Dawson, Prairie, Wibaux.

District 5. Fergus, Garfield, Petroleum.

District 6. Pondera, Teton, Chouteau, Cascade, Judith Basin.

District 7. Lewis and Clark, Jefferson, Broadwater.

District 8. Sanders, Mineral, Missoula, Ravalli, Granite, Powell.

District 9. Beaverhead, Deer Lodge, Silver Bow, Madison.

District 10. Park, Gallatin, Sweet Grass, Meagher, Wheatland.

District 11. Golden Valley, Musselshell, Stillwater, Yellowstone, Carbon, Big Horn, Treasure.

District 12. Rosebud, Custer, Fallon, Powder River, Carter."

Section 96. Section 32-2604, R.C.M. 1947, is amended to read as follows:

"32-2604. **Construction or reconstruction of bridges.** (1) The *department* may allocate from state construction moneys available for the federal-aid highway system up to one million dollars ($1,000,000) in any fiscal year for the construction or reconstruction of any major bridge or system of bridges on the primary or secondary highway systems. This may be done only when the use of regularly apportioned funds would prohibit or seriously delay the orderly and necessary highway construction program in the financial districts.

(2) When the *department*, as a part of its finding of public necessity, declares that a particular bridge should be constructed or reconstructed on a designated portion of the primary or secondary highway, the allocation may be made. The allocation may be expended:

(a) On primary bridges when the *department's* estimate of the cost of construction or reconstruction is in excess of five hundred thousand dollars ($500,000).

(b) On secondary bridges when the *department's* estimate of the state's share of the cost of construction or reconstruction is in excess of the total estimated future regular apportionment of state construction moneys to the federal-aid secondary system of the county or counties for a period of three (3) years.

(3) The allocation shall be made from available state construction moneys for the primary system before the apportionment in section *32-2606*, and for the secondary system before the apportionment in section *32-2607*."

Section 97. Section 32-2605, R.C.M. 1947, is amended to read as follows:

"32-2605. **Apportionment of state construction funds.** *At* the beginning of each fiscal year the *department* shall apportion available state construction funds to the various federal-aid highway systems *which are* required to match the amounts of federal aid available for expenditure on each respective system. *The* state's share of the cost of final judgments in court awards made to construction contractors on state highway construction projects during the previous fiscal year may be deducted from funds available prior to the apportionments provided in this section and *this* cost shall be credited to the accounts of the highway system, financial district, county or urban city involved as an offset to the charges made to *the* accounts as a result of *the* final judgment. *The* deductions may be made only when the amount of *these* judgments would prohibit or seriously impair the highway construction program in a financial district, county or urban city."

Section 98. Section 32-2606, R.C.M. 1947, is amended to read as follows:

"32-2606. **Apportionment of state funds to federal-aid primary highway system.** (1) *At* the beginning of each fiscal year the *department* shall determine the amount of incompleted mileage of the federal-aid primary system within each of the financial districts.

(a) As a basis for determination of incompleted mileage, the *department* shall compare the present condition of the system with the latest approved state standards. Any mileage failing to meet those standards shall be included in the determination as partially completed. The proportion of completion shall be determined by estimating the amount of work which must be performed to complete the highway.

(2) The *department* shall then compute the ratio between the incompleted mileage in each district and the total incompleted mileage of the federal-aid primary system in the state.

(3) The *department* shall then apportion available state construction funds to the federal-aid primary system in each district on the basis of the computed ratio."

Section 99. Section 32-2607, R.C.M. 1947, is amended to read as follows:

"32-2607. **Apportionment of state funds to federal-aid secondary highway system.** (1) *At* the beginning of each fiscal year the *department* shall apportion available state construction funds for the federal-aid secondary highway system among the financial districts. The proportion which each district shall receive shall be computed on the following basis:

(a) One-fourth (¼) in the ratio of land area in each district to the total land area in the state.

(b) One-fourth (¼) in the ratio of the rural population in each district to the total rural population in the state.

(c) One-fourth (¼) in the ratio of the rural road mileage in each district to the total rural road mileage in the state.

(d) One-fourth (¼) in the ratio of value of rural lands in each district to the total value of rural lands in the state.

(2) Funds apportioned to each district shall be further apportioned to each county *in the district* on the same basis, considering ratios of land area, rural population, rural road mileage, and value of rural lands. To the extent necessary to permit orderly programming and construction of projects, expenditures in any county may exceed the amount apportioned to that county to the extent of three (3) times the amount of the last apportionment *to the county.* The amount of any excess expenditures shall be deducted from future apportionments to that county.

(3) For the purposes of this section, terms are defined as follows:

(a) Rural population — Total population less the population in cities over five thousand (5,000) persons and their unincorporated fringe urban areas as reported in the latest federal census.

(i) Federal census population figures shall be adjusted in the interim between censuses in accordance with the percentage of change in annual motor vehicle registration figures for each county.

(b) Rural road mileage — All road mileage outside of incorporated cities, exclusive of road mileage on the federal-aid primary highway system and the federal-aid interstate system.

(i) Rural road mileage reported by the road inventory of the *department* shall be used in determining rural road mileage.

(c) Value of rural lands — Includes the value of state-owned lands from which the state derives grazing, timber, and agricultural income.

(i) The basis for the value of rural lands shall be computed from the latest biennial report of the department of revenue.

(ii) The basis for the value of state-owned lands shall be computed from the latest figures on the total grazing, timber, and agricultural lands in each county contained in the latest biennial report of the *department* of state lands.

(iii) The average value of privately owned lands shall be the average value of state-owned lands, if the actual value is not available."

Section 100. Section 32-2608, R.C.M. 1947, is amended to read as follows:

"32-2608. **Secondary highway information.** On or before August 30 of each year, the *department* shall inform each board of county commissioners of:

(1) The total amount of secondary highway funds and the amount apportioned to each county.

(2) The location of proposed secondary highway projects when the information is available.

(3) *Any* other matters regarding secondary highway construction *which* the *department considers* advisable and of interest to the counties."

Section 101. Section 32-2609, R.C.M. 1947, is amended to read as follows:

"32-2609. **Apportionment of state funds to federal-aid interstate highway system.** (1) *At* the beginning of each fiscal year the *department* shall apportion available state construction funds for the federal-aid interstate highway system among the financial districts.

(2) The apportionment shall be based upon the ratio between the estimated cost of constructing or reconstructing the system in each district and the estimated cost of constructing or reconstructing the entire system within the state.

(3) The cost estimates to be used shall be those developed by the *department* in accordance with the Federal-Aid Highway Act of 1956, as amended."

Section 102. Section 32-2610, R.C.M. 1947, is amended to read as follows:

"32-2610. **Increases in expenditures.** (1) The *department* may increase the expenditures made in *a* financial district to the extent of:

(a) Twenty-five per cent (25%) more than the amount of money allocated to *the* district in the latest year for the federal-aid primary system or the federal-aid secondary system.

(b) One hundred per cent (100%) more than the amount of money allocated to *the* district in the latest year for the federal-aid interstate highway system.

(2) The allocation of available state construction funds to *a* district for the next succeeding fiscal year shall be decreased by an amount equal to any increased expenditures."

Section 103. Section 32-2611, R.C.M. 1947, is amended to read as follows:

"32-2611. **Apportionment of state funds to federal-aid urban highways.** (1) *At* the beginning of each fiscal year the *department* shall apportion state construction funds available for matching federal-aid urban funds to the cities in the state over five thousand (5,000) population in the ratio of urban population in each city to the total urban population in all cities over five thousand (5,000) population in the state.

(2) For the purpose of this section, "urban population" is defined as population within the incorporated limits of cities over five thousand (5,000) population and that population within unincorporated urban fringe areas delineated and reported in the latest federal census.

(3) To the extent necessary to permit orderly programming and construction of projects, expenditures in any city may exceed the amount apportioned to that city. The amount of any excess expenditures shall be deducted from future apportionments to that city."

Section 104. Section 32-2801, R.C.M. 1947, is amended to read as follows:

"32-2801. **Powers and duties of county commissioners respecting county roads.** (1) Each board of county commissioners *has* general supervision over the county roads within the county. The board may, in its discretion, divide the county into suitable road districts, and place each district in charge of a competent road supervisor. The board shall order and direct each supervisor in the work to be done in his district. If the board does not divide the county into districts, the county itself shall constitute one road district.

(2) Each board shall *survey, view, lay out, record, open, work, and maintain* county roads *which* are petitioned for by freeholders. Guideposts shall be erected.

(3) Each board shall discontinue or abandon county roads when freeholders properly petition therefor.

(4) Each board may, in its discretion, *do* whatever may be necessary for the best interest of the county roads and the road districts.

(5) Each board shall make reports relating to roads under its supervision *which are* requested by the *department of highways.*"

Section 105. Section 32-2803, R.C.M. 1947, is amended to read as follows:

"32-2803. **Plat books — surveyor — employees.** (1) Each board may, in its discretion, order the county surveyor, or some other surveyor if the county surveyor is incompetent, to prepare suitable plat books. Each board shall have recorded *in it* with the county clerk a full description of each county road, showing each course by bearing and distance, a full and complete map *of the road,* and a record of all proceedings with reference *to the road.*

(2) Each board may, in its discretion, employ a competent road supervisor, who shall serve during the pleasure of the board. Under the direction and control of the board he shall:

(a) Prescribe the times and places for all work to be done on the county roads.

(b) Report any delinquency or inefficiency of any person employed on any road.

(c) Perform other duties *which are* prescribed by the board.

(3) In any county in which the county surveyor is not paid an annual salary, he may by agreement be employed by the board to perform the services of road supervisor. He shall not be paid for any duty otherwise required by law to be performed by him as county surveyor.

(4) In counties without a county surveyor, each board may appoint a county road superintendent. He shall have such duties, powers, and responsibilities as are set forth in chapter 30 of this title."

Section. 106. Section 32-2814, R.C.M. 1947, is amended to read as follows:

"32-2814. **County supervisors to control weeds and exterminate weed seeds — charges.** The board of weed control and weed seed extermination supervisors shall control noxious weeds on the county roads. If the *department* does not control noxious weeds on state and federal highways in any county, the supervisors shall control them. Upon presentation by the supervisors of a verified account of the expenses incurred, the costs *of control* shall be paid by the *department.*"

Section 107. Section 32-2815, R.C.M. 1947, is amended to read as follows:

"32-2815. **Board and others to furnish information.** The board and road supervisor of *a* county, and all other officers who may have the care and supervision of the public highways and bridges, shall, upon the written request of the *department,* furnish all available information in connection with the construction and maintenance of the highways and bridges in their respective districts or counties."

Section 108. Section 32-2901, R.C.M. 1947, is amended to read as follows:

"32-2901. **County to maintain bridges.** Each board shall maintain all public bridges other than those maintained by the *department of highways.*"

Section 109. Section 32-3201, R.C.M. 1947, is amended to read as follows:

"32-3201. **Time for payment of fees.** *(1)* A person who owns or operates a vehicle subject to the fees provided in *sections* 32-3301 *through* 32-3308 *and section* 32-3310 shall pay the fees provided in this chapter.

(2) Prior to or at the time of registration of *the* vehicle as required under Title 53, or prior to the operation of *the* vehicle on the public highways, fees paid shall be the full amount provided in this chapter unless otherwise provided by law. With respect to vehicles operating on the highways with a current rear windshield sticker issued under the provisions of section 53-109.1 or section 53-109.2, the fees provided in this chapter shall be due and payable at the time of registration.

(3) A person who makes application for license after the first day of July of any year shall pay one-half (½) of those fees."

Section 110. Section 32-3204, R.C.M. 1947, is amended to read as follows:

"32-3204. **Disposition of fees collected by county treasurer.** At the time of collecting the fees provided for in section 32-3201, each county treasurer shall retain five per cent (5%) of the fees collected by *him* for the cost of administration, and for deposit in the general fund of the county. The remaining ninety-five per cent (95%) shall be remitted monthly to the state treasurer for deposit to the credit of the *department of highways. The* remittance shall be made on forms furnished to the county treasurer by the *department.*"

Section 111. Section 32-3205, R.C.M. 1947, is amended to read as follows:

"32-3205. **Deposit of state highway moneys.** (1) Any reference to the state highway fund shall be taken to mean the state highway account in the earmarked revenue fund.

(2) *Moneys* received for the use of the *department* from the receipt or transfer of motor vehicle license fees, as provided by law, or from other state sources shall be deposited in the earmarked revenue fund to the credit of the *department.*

(3) *Moneys* received from the counties and from the federal government or other agencies shall be deposited in the federal and private revenue fund to the credit of the *department.*

(4) Hereafter, moneys collected for the *department* as authorized by law shall be credited to such fund or funds by the state treasurer."

Section 112. Section 32-3302.1, R.C.M. 1947, is amended to read as follows:

"32-3302.1. **Alternative additional fees on truck-trailer combinations.** *(1)* In addition to other fees for the licensing of vehicles, there may be paid and collected annually instead of the fees provided in section 32-3301, for each motor truck or truck-tractor, based upon the maximum combined gross loaded weight of a truck-tractor with a semitrailer, a truck-tractor with a semitrailer and a full trailer, a motor truck and a trailer, or a motor truck and trailers, as set by the licensee in his application, the following fees:

Schedule III

Truck-tractor with a semitrailer, a truck-tractor with a semitrailer and a full trailer, a motor truck and a trailer, or a motor truck and trailers:

Up to 42,000 lbs	$ 571.00
42,001 to 44,000 lbs	631.00
44,001 to 46,000 lbs	691.00
46,001 to 48,000 lbs	752.00
48,001 to 50,000 lbs	812.00
50,001 to 52,000 lbs	871.00
52,001 to 54,000 lbs	931.00
54,001 to 56,000 lbs	992.00
56,001 to 58,000 lbs	1,052.00
58,001 to 60,000 lbs	1,112.00
60,001 to 62,000 lbs	1,172.00
62,001 to 64,000 lbs	1,233.00
64,001 to 66,000 lbs	1,293.00
66,001 to 68,000 lbs	1,352.00
68,001 to 70,000 lbs	1,412.00
70,001 to 72,000 lbs	1,473.00
72,001 to 74,000 lbs	1,533.00
74,001 to 76,000 lbs	1,593.00
76,001 to 78,000 lbs	1,653.00
78,001 and over	65.50 per ton or fraction thereof.

(2) Payment of the fees provided in this section *exempts a* semitrailer or trailer in combination with a motor truck or truck-tractor so licensed from the fees provided in sections 32-3302, 32-3310, 32-3312, and 53-129.

(3) The trailers or semitrailers must be currently registered in another state or county.

(4) A trailer or semitrailer entering the state in combination with a truck or truck-tractor licensed under the above schedule may be moved in the local delivery zone in combination with a truck, truck-tractor, licensed under section 32-3301, without payment of any additional fees on *the* truck or truck-tractor, trailer or semitrailer.

(5) A permit must be obtained from the *department of highways* before *the* truck-tractor is used in local service and *the* permit *is* continuous and issued at no fee. *The* permit shall not be issued until proof of payment of fees under Schedule III has been established."

Section 113. Section 32-3303, R.C.M. 1947, is amended to read as follows:

"32-3303. **Additional fees — gross weight over 42,000 pounds.** In addition to the fees provided for in sections 32-3301 and 32-3302, for each motor truck, truck-tractor, trailer, or semitrailer having a gross loaded weight in excess of forty-two thousand (42,000) pounds and within the weight limits specified in *sections 32-1123.1 through 32-1123.11*, there shall be paid and collected annually a fee of sixty-two dollars and fifty cents ($62.50) for each two thousand (2,000) pounds, or fraction thereof."

Section 114. Section 32-3308, R.C.M. 1947, is amended to read as follows:

"32-3308. **Additional fees — quarterly payment.** When the gross weight of *a* vehicle exceeds twenty-four thousand (24,000) pounds, the additional fees for motor trucks, trailers, tractors, pole trailers, or semitrailers may be purchased for a three months' period for one-fourth (¼) the regular fee at the beginning of any quarter of the calendar year. For each fee so paid other than at the time of payment of the basic license fee, an additional fee of one dollar ($1) shall be charged. The *department may adopt* rules relative to the issuance and display of certificates or insignia, which shall state the quarters for which the vehicle is licensed."

Section 115. Section 32-3309, R.C.M. 1947, is amended to read as follows:

"32-3309. **Failure to pay additional fees — penalty.** *A* vehicle licensed under section 32-3308 *may not* be operated over the public highways unless the owner or operator *of the vehicle,* within ten (10) calendar days or seven (7) business days as provided by law, whichever is greater, after the expiration of *the* three-month period, *pays* the required fee for a license for an additional three-month period, or for the remainder of the year. *A* person who operates *a* vehicle upon the public highways after the expiration of *the* ten (10) calendar days or seven (7) business days as provided by law, whichever is greater, *is* guilty of a misdemeanor. In addition he shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation *of the vehicle,* less the fees for *a* period of the year already paid. If, within five (5) days thereafter, no license for a full year has been purchased as required, the Montana highway patrol, county sheriff or city police may impound *the* vehicle in *the* manner *which is* directed for *these* cases by the *highway patrol chief* until *the* requirement is met."

Section 116. Section 32-3310, R.C.M. 1947, is amended to read as follows:

"32-3310. **Three unit combination — fees in lieu of gross weight fees otherwise provided — marking.** (1) *Instead* of the gross weight fees provided in sections 32-3301 through 32-3308, the owner of *a* motor truck or truck-tractor used on the highways of the state in connection with two (2) trailers or semitrailers at the same time shall register them as a three *(3)* unit combination in the following manner:

(a) By paying the registration and other fees covering the maximum practical gross vehicle weight for *the* truck or truck-tractor, but not less than the actual operating gross weight under sections 53-114, 53-122, 32-3301 and 32-3303.

(b) By registering *the* trailers in accordance with sections 53-114 and *53-122*, and by paying the gross vehicle weight fee prescribed for the maximum trailing load in accordance with sections 32-3302 and 32-3303 on the combined gross weight of the two (2) trailers or semitrailers, treating them as if they were a single unit.

(2) This section does not authorize axle loads in excess to those established by *sections 32-1123.1 through 32-1123.11.*"

Section 117. Section 32-3313, R.C.M. 1947, is amended to read as follows:

"32-3313. **Temporary trip permits showing payment of fees — display.** (1) Temporary trip permits showing payment of the fees provided for in section *32-3312* shall be issued under rules prescribed by the *department. The* permit shall be displayed in the vehicle for which the fee has been paid at all times while *the* vehicle is being operated on the highways of this state by posting it where it may be read.

(2) The *department* may limit the operation of *the* vehicle in this state to a definite period of time."

Section 118. Section 32-3314, R.C.M. 1947, is amended to read as follows:

"32-3314. **Time for payment of fees by nonresidents.** A nonresident owner or operator of a motor truck, truck-tractor, trailer or semitrailer shall, immediately upon arrival in the state, contact the nearest highway patrol office, any *department* office, the county sheriff, or the county treasurer's office to pay the fee and secure the permit prescribed. All fees collected shall immediately be remitted to the county treasurer."

Section 119. Section 32-3315, R.C.M. 1947, is amended to read as follows:

"32-3315. **Sales tax on new motor vehicles.** (1) In consideration of the right to use the highways of the state, there shall be imposed a tax upon all sales of new motor vehicles for which a license is sought and an original application for title is made. The word motor vehicle as used in this section *means* automobiles, auto trucks and motorcycles, propelled by their own power, used upon the public highways of the state. The tax shall be paid by the purchaser when he applies for his original Montana license through the county treasurer.

(2) The sales tax shall be:

(a) One and one-half per cent (1 ½%) of the F.O.B. factory list price or F.O.B. port of entry list price, during the first quarter of the year.

(b) One and one-eighth per cent (1 ⅛%) of the list price during the second quarter of the year.

(c) Three-fourths (¾) of one per cent (1%) during the third quarter of the year.

(d) Three-eighths (⅜) of one per cent (1%) during the fourth quarter of the year.

(3) *If* the manufacturer or importer fails to furnish the F.O.B. factory list price or F.O.B. port of entry list price, the *department* may use published price lists.

(4) The proceeds from this tax *shall* be remitted to the state treasurer every thirty (30) days for credit to the *state highway account of the* earmarked revenue fund.

(5) The new vehicle *is* not subject to any other assessment or taxation during the calendar year in which the original application for title is made."

Section 120. Section 32-3317, R.C.M. 1947, is amended to read as follows:

"32-3317. **Excess weight — penalties.** (1) The operator *is* subject to the penalties stated in this section whenever the gross laden weight of any motor truck, truck-tractor, trailer, or semitrailer operated upon any highway in this state exceeds:

(a) The gross vehicle weight shown on the owner's certificate of registration and tax receipt issued *under* section 53-107, or

(b) The gross vehicle weight shown on the gross vehicle weight receipt issued *under* section *32-3205.1.*

(2) The operator shall:

Immediately thereafter pay to the nearest county treasurer or *to the department* the difference between the fee already paid and that applicable to the gross weight of his vehicle before unloading the excess, provided that it does not exceed the legal axle weight."

Section 121. Section 32-3401, R.C.M. 1947, is amended to read as follows:

"32-3401. **Permit and transit plates for new vehicles being transported by drive-away or tow-away methods.** (1) *A* person, firm, partnership or corporation, regularly and lawfully engaged in the transportation of new vehicles over the highways of this state from manufacturing or assembly points to agents of manufacturers and dealers in this state or in other states, territories, foreign countries or provinces, by the drive-away or tow-away methods, where *the* vehicles being driven, towed or transported by the saddle-mount, tow-bar or full-mount methods, or *a* lawful combination *of these methods*, will be transported over the highways of the state but once, may annually apply to the *department of justice* for a permit to use the highways of this state, and shall pay, upon filing *the* application, a fee of one hundred dollars ($100). Upon processing of the application, *that department* shall issue an annual permit to the applicant.

(2) The permit holder may also apply to the *department of justice* for a sufficient number of distinctive transit plates or devices showing the permit number for identification of the vehicles being transported by the permit holder, and *the* plates or devices may be used on *a* vehicle being driven, towed or transported by and under the control of the permit holder.

That department shall collect the additional sum of one dollar ($1) for each pair of transit plates or devices applied for and issued.

(3) The *department of justice* shall retain the permit and plate fees to defray costs of administering this act.

(4) The permit and transit plates or devices expire on December 31 of each year."

Section 122. Section 32-3402, R.C.M. 1947, is amended to read as follows:

"32-3402. **One-trip fee in addition to permit and plate fees, payable quarterly.** In addition to the permit and plate fees, a permit holder shall pay to the *department of justice* a one-trip fee of five dollars ($5) per driven vehicle. The fee shall be paid within fifteen (15) days after the end of the calendar quarter upon forms recommended or supplied by *that department.*"

Section 123. Section 32-3403, R.C.M. 1947, is amended to read as follows:

"32-3403. **Disposition of funds collected.** The *department of justice* shall retain five per cent (5%) of the funds collected in payment of the trip fees to defray costs of administration. The remaining ninety-five per cent (95%) shall be remitted, on or before the fifteenth day of each month after collection, to the state treasurer for deposit to the credit of the *department of highways.*"

Section 124. Section 32-3707, R.C.M. 1947, is renumbered section 53-639.1, and is amended to read as follows:

"*53-639.1.* **Special mobile equipment — exemption from registration and payment of fees and charges — identification plate — application — fee — publicly owned special mobile equipment.** (1) A person, firm, partnership, or corporation who owns, leases, or rents special mobile equipment as defined in section 53-642 and occasionally moves that equipment on, over, or across the highways of the state, *is* not subject to registration of that equipment or required to pay the fees and charges provided for in *chapters* 32 *through* 35 of *Title 32.* Prior to movement on the highways, however, each piece of equipment shall display an equipment identification plate or a dealers' license plate attached *to the equipment.*

(2) Annual application for the identification plate shall be made to the county treasurer before any piece of equipment is moved on the highways. Application shall be made on a form furnished by the *department of justice,* together with the payment of a fee of five dollars ($5). *The* equipment for which a special mobile equipment plate is sought, *is* subject to the assessment of personal property taxes either on the date application is made for *the* plate, if that date falls between the first day of January and the first Monday of March, or on the first Monday of March. *The* personal property taxes assessed against the special mobile equipment *must* be paid *before the issuance of a special mobile equipment plate.* The fees collected under this *section* belong to the county road fund.

(3) The identification plate *expires* on March 31 of each year.

(4) Publicly owned special mobile equipment, and implements of husbandry used exclusively by an owner in the conduct of his own farming operations, are exempt from this section."

Section 125. Section 32-3805, R.C.M. 1947, is amended to read as follows:

"32-3805. **Term — power to redeem — maximum interest.** (1) *Bonds* issued under subsection (1) of section *32-3801 may not be issued* for a longer term than twenty (20) years.

(2) *A* bond issued under subsection *(1) (b)* of that section *may not* be issued for a term longer than ten (10) years, except that:

(a) If the unexpired term of the bonds to be refunded is greater than ten (10) years, the refunding bonds may be issued for the unexpired term; or

(b) If the ten (10) year term requires an annual tax levy for payment of the refunding bonds which exceeds ten (10) mills on all property subject to taxation, the term may be so extended as to reduce the annual levy to ten (10) mills. In no event shall the term exceed twenty (20) years.

(3) All bonds issued for a term longer than five (5) years shall be redeemable at the option of the county five (5) years after the date of issue and on any payment due date thereafter before maturity. This statement shall appear on the face of each bond.

(4) Interest shall be payable semiannually."

Section 126. Section 32-3902, R.C.M. 1947, is amended to read as follows:

"32-3902. **General power of department to acquire interests in property.** Notwithstanding any other provision of law, the *department of highways* may acquire by purchase or other lawful manner lands or other real property, excluding oil, gas and mineral rights, which it *considers* reasonably necessary for present or future highway purposes. The *department* may acquire a fee simple or lesser estate or interest."

Section 127. Section 32-3904, R.C.M. 1947, is amended to read as follows:

"32-3904. **Exercise of right of eminent domain — presumption.** (1) Whenever the *department* cannot acquire lands or other property or interests *in the lands or property* at a price or cost which it *considers* reasonable, it may direct the attorney general or any county attorney to procure the interests by proceedings to be instituted as provided in sections 93-9901—93-9926 against all nonaccepting landholders.

(2) It shall not so direct the attorney general or any county attorney until it adopts *an order* declaring that:

(a) Public interest and necessity require the construction or completion by the state of the highway or improvement for one of the purposes set forth in section 32-3903.

(b) The interest described in the *order* and sought to be condemned is necessary for the highway or improvement.

(c) The highway or improvement is planned and located in a manner which will be compatible with the greatest public good and the least private injury.

(3) The *order creates* and *establishes* a disputable presumption:

(a) Of the public necessity of the proposed highway or improvement.

(b) That the taking of the interest sought is necessary therefor.

(c) That the proposed highway or improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury."

Section 128. Section 32-3905, R.C.M. 1947, is amended to read as follows:

"32-3905. **Acquisition of whole parcel — sale of excess.** (1) Whenever any interest in a part of a parcel of land or other real property is to be acquired for highway purposes, leaving the remainder in *a* shape or condition as to be of little market value, or to give rise to claims or litigation over severance or other damage, the *department* may acquire the whole parcel. It may sell or exchange the remainder for other property needed for highway purposes.

(2) Whenever a part of a parcel of land acquired for highway purposes is in a shape or size as to come within section 11-614, the *department* shall prepare and file the required plat in the office of the county clerk and recorder."

Section 129. Section 32-3906, R.C.M. 1947, is amended to read as follows:

"32-3906. **Power to acquire for future.** (1) The power conferred by chapters 39 and 40 of this title to acquire interests in lands or other real property includes power to acquire for reasonably foreseeable future needs.

(2) The *department* may lease unused portions of lands or other real property which are held for highway purposes and interstate highway rights of way which are not presently needed for highway purposes on *the* terms and conditions *which* it *decides*. The *department* may repair, maintain, and care for *the* property in order to secure rent *from it*.

(3) All rent received shall be deposited to the credit of the *department*."

Section 130. Section 32-3907, R.C.M. 1947, is amended to read as follows:

"32-3907. **Road building materials.** (1) *A* right of way or easement acquired by the *department* for construction, operation, repair, reconstruction, or maintenance of highways *includes*, among others, the right to use, remove, relocate, redistribute, or otherwise dispose of gravel and other road-building materials found or located within the boundaries of the right of way or easement.

(2) For the purposes of chapters 39 and 40 of this title, *the* gravel or materials *is considered* to be real property and not minerals."

Section 131. Section 32-3908, R.C.M. 1947, is amended to read as follows:

"32-3908. **No compensation in certain cases — exceptions.** (1) Whenever the *department* files a description and plan as provided in section 32-2413, no consideration, allowance or assessment of values or compensation shall be made in the purchase or condemnation of buildings or improvements or subdivisions placed or erected on the land covered by the plan after the filing.

(2) The establishment of the highway location covered by the description and plan shall be ineffective one year after filing if no action to condemn or acquire the property has been commenced.

(3) Nothing in this section or in section 32-2413 *applies* to crops or similar improvements planted on the lands described. They *are* governed by section 93-9913."

Section 132. Section 32-3909, R.C.M. 1947, is amended to read as follows:

"32-3909. **Exchange of interests in real property.** (1) The *department* may determine that *an* interest in real property, however acquired by it, is no longer necessary to the laying out, altering, construction, improvement, or maintenance of *a* highway. It may then exchange *the* interest, either as entire or partial consideration, for any other interest in real property needed for highway purposes. The *department* may establish the manner and terms and conditions for *the* exchange.

(2) The owner from whom *the* interest was originally acquired by the state, or his successor in interest, *has* the right to require the *department* to offer *the* land for sale in the manner set forth in sections 32-3910 and 32-3911. The *department* shall notify *the* owner or successor in interest of its intention to exchange *the* interest. The owner shall make his demand for sale by registered mail to the *department* within ten (10) days after receipt of notice from the *department.*"

Section 133. Section 32-3910, R.C.M. 1947, is amended to read as follows:

"32-3910. **Sale of interests in real property.** The *department* may sell *an* interest in real property, however acquired by it, which it determines is not necessary to the laying out, altering, construction, improvement, or maintenance of *a* highway. If the interest is reasonably of a value in excess of one hundred dollars ($100), sale shall be made to the highest bidder at public auction or by sealed bids as the *department decides.* The sale shall be conducted as provided in section 32-3911."

Section 134. Section 32-3911, R.C.M. 1947, is amended to read as follows:

"32-3911. **Conduct of sale.** (1) The *department* shall publish notice of the sale in a newspaper published in the county in which the interest is located once a week for two (2) successive weeks. Sale shall be held at the office of the *department* at the capitol.

(2) Before *the* sale of *an* interest having a value in excess of one hundred dollars ($100), the *department* shall have it appraised at a price representing a fair market value. The appraised value shall be stated in the published notice.

(3) *A* sale *may not* be made of *an* interest unless it has been appraised within three (3) months prior to the date of the sale. *A* sale *may not* be made for less than ninety per cent (90%) of the appraised value.

(4) *Title* to *an* interest *may not* pass from the state until the purchaser has paid the full amount of the purchase price into the state treasury to the credit of the *department.*"

Section 135. Section 32-3912, R.C.M. 1947, is amended to read as follows:

"32-3912. **Option of original owner or successor in interest to purchase at sale price.** The owner from whom the interest was originally acquired, or his successor in interest, shall have the option to purchase the interest by offering therefor an amount of money equal to the highest bid received for the interest at the sale. The offer shall be sent to the *department* by registered mail within ten (10) days from the date of the sale."

Section 136. Section 32-3913, R.C.M. 1947, is amended to read as follows:

"32-3913. **Private sale if no bid or offer.** (1) If, after proper notice is published, the *department* receives neither bid at public sale nor offer from the original owner of his successor in interest, it may at any time thereafter sell the interest at private sale. At *the* sale, the *department* may accept as the purchase price an amount of money not less than ninety per cent (90%) of the appraised value.

(2) *Title* to *an* interest *may not* pass from the state until the purchaser has paid the full amount of the purchase price into the state treasury to the credit of the *department.*"

Section 137. Section 32-3914, R.C.M. 1947, is amended to read as follows:

"32-3914. **Sale of personal property — maps, books, other printed matter.** (1) The *department* may sell at public or private sale, as it *determines, an* interest in personal property, however acquired by it, which it determines is not necessary to the laying out, altering, construction, improvement, or maintenance of *a* highway.

(2) The *department* may sell at public or private sale, as it *determines,* maps, books, pamphlets, or other printed matter, prepared or acquired by the *department.* The *department* may sell copies of highway records to the public and may set reasonable prices *for them.*

(3) The proceeds from sales made under this section shall be paid into the state treasury to the credit of the *department.*"

Section 138. Section 32-3915, R.C.M. 1947, is amended to read as follows:

"32-3915. **Conveyances — execution — contents.** (1) *Land* or *an* interest *in land* sold by the *department* shall be conveyed only when full payment has been made *for it.* It shall be conveyed by a deed or patent of conveyance without covenants which recites that it was issued under this chapter.

(2) The deed or patent shall contain a reservation of easements for rights of way for the benefit of the United States, and all other reservations to which the land conveyed may be subject.

(3) The deed or patent shall be signed by the governor, or, in case of his absence or inability, the lieutenant governor. It shall be attested by the secretary of state and have attached the great seal of the state. It need not be acknowledged."

Section 139. Section 32-3916, R.C.M. 1947, is amended to read as follows:

"32-3916. **Rendering irrigable lands unusuable — unpaid construction costs.** *(1)* Whenever the *department* acquires irrigable land for highway purposes, or acquires land as to render other irrigable land unusable for irrigation, it shall pay to the owner of the irrigation or drainage project, in addition to other sums allowed by law, a proportionate share of the unpaid construction costs of the project or drainage district.

(2) The *department* shall also pay a lump-sum amount to the district sufficient to produce on an amortized basis for a reasonable period not to exceed ninety (90) years, a sum of money equal to the annual increase in operation and maintenance costs against the remaining lands under irrigation in the district resulting from the severance from the district of the lands acquired by the *department* and not overcome by bringing in new or additional land under irrigation. For the purpose of determining the amount of *the* lump-sum payment, the annual operation and maintenance assessment of the district shall be considered to be the average for the five (5) years, or so many years as the district has assessment experience, if less than five (5) years, preceding the date of acquisition."

Section 140. Section 32-3923, R.C.M. 1947, is amended to read as follows:

"32-3923. **Definitions.** *In sections 32-3923 through 32-3931*:

(a) "Displaced person" means any individual, family, business or farm operation which moves from real property acquired for state highway purposes or for a federal-aid highway.

(b) "Individual" means a person who is not a member of a family.

(c) "Family" means two *(2)* or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

(d) "Business" means any lawful activity conducted primarily for the purchase and resale, manufacture, processing or marketing of products, commodities, or other personal property; or for the sale of services to the public; or by a nonprofit corporation.

(e) "Farm operation" means any activity conducted primarily for the production of one *(1)* or more agricultural products or commodities for sale and home use, and customarily producing *the* products or commodities in sufficient quantity to be capable of contributing materially to the operator's support."

Section 141. Section 32-3924, R.C.M. 1947, is amended to read as follows:

"32-3924. **Advisory assistance.** (a) The *department of highways may* give relocation advisory assistance to *an* individual, family, business or farm operation displaced because of the acquisition of real property for *a* project on the state highway systems.

(b) In giving assistance, the *department* may establish a temporary local relocation advisory assistance office to assist in obtaining replacement facilities for individuals, families and businesses which must relocate because of the acquisition of right of way for *a* project on the state highway systems."

Section 142. Section 32-3925, R.C.M. 1947, is amended to read as follows:

"32-3925. **Compensation for moving expense as part of cost of construction — fixed payments in lieu of actual expense — dwelling — business or farm operation.** (a) As a part of the cost of construction the *department* may compensate a displaced person for his actual and reasonable expense in moving himself, family, business or farm operation, including moving personal property, *and for his* actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, not to exceed an amount equal to the reasonable expenses that would have been required to relocate *the* property, as determined by the *department*, and actual reasonable expenses in searching for a replacement business or farm.

(b) *A* displaced person who moves from a dwelling *may elect to receive, instead* of the payments authorized by *subsection* (a), a moving expense allowance, determined according to a schedule established by the *department*, not to exceed three hundred dollars ($300), and in addition a dislocation allowance of two hundred dollars ($200).

(c) *A* displaced person who moves or discontinues his business or farm operation *may elect to receive instead* of the payment authorized by *subsection* (a), a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, except that *the* payment *may* not be less than two thousand five hundred dollars ($2,500) nor more than ten thousand dollars ($10,000). In the case of a business, *a* payment *may not* be made under this *subsection* unless the *department* is satisfied that the business cannot be relocated without a substantial loss of patronage, and is not a part of a commercial enterprise having at least one (1) other establishment, not being acquired, which is engaged in the same or similar business. For purposes of this *subsection*, the term "average annual net earnings" means one-half (½) of any net earnings of the business or farm operation, before federal and state income taxes, during the two (2) taxable years immediately preceding the taxable year

in which *the* business or farm operation moves from the real property acquired for *the* project or during such other period *which* the *department* determines to be more equitable for establishing *the* earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during *this* two (2) year period. To be eligible for the payment authorized by this *subsection,* the business or farm operation must make its state income tax returns available and its financial statements and accounting records available for audit and confidential use to determine the payment authorized by this *subsection.*"

Section 143. Section 32-3926, R.C.M. 1947, is amended to read as follows:

"32-3926. **Additional payment for realty with qualified dwelling — period of occupancy — amount — owner must subsequently purchase dwelling.** *(1)* In addition to the payments authorized by section 32-3925 as a part of the cost of construction, *the department* may make *the following* payments to the owner of real property acquired for a project on the state highway systems which is improved with a single, two (2) or three (3) family dwelling, actually owned and occupied by the owner for not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of the property*:*

(a) A payment not to exceed fifteen thousand dollars ($15,000) which, when added to the acquisition payment, equals the reasonable price required for a comparable dwelling determined, in accordance with standards established by the *department,* to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and place of employment and available on the market*;*

(b) A payment, if any, which will compensate *the* displaced person for increased costs which *the* person is required to pay for financing the acquisition of *a* comparable replacement dwelling. *This* payment shall be made only if the dwelling acquired by the *department* was encumbered by a bona fide mortgage which was a valid lien on *the* dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of *the* dwelling. *This* payment shall be equal to the excess in the aggregate interest and other debt service cost of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling under the remainder term of the mortgage on the acquired dwelling reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located*;*

(c) The payment of reasonable expenses incurred by *the* displaced person for evidence of title, recording fees, and other closing costs incidental to the purchase of replacement dwelling but not including prepaid expenses.

(2) Payments shall be made only to a displaced owner who purchases and occupies a dwelling, that meets standards established by the *department,* within one (1) year subsequent to the date on which he is required to move from the dwelling acquired for the project."

Section 144. Section 32-3927, R.C.M. 1947, is amended to read as follows:

"32-3927. **Additional payment for realty with other dwelling — period of occupancy — amount.** (a) In addition to the payment authorized by section 32-3925, as a part of the cost of construction, the *department* may make a payment to *an* individual or family displaced from *a* dwelling not eligible to receive a payment under section 32-3926, which dwelling was actually and lawfully occupied by *the* individual or family for not less than ninety (90) days prior to the first written offer for the acquisition of *the* property.

(b) *The* payment, not to exceed four thousand dollars ($4,000), shall be the additional amount which is necessary to enable *the* individual or family to lease or rent for a period not to exceed four (4) years, or to make the down payment on the purchase of a decent, safe and sanitary dwelling of standards adequate to accommodate *the* individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities, except that if the amount of the down payment to purchase exceeds two thousand dollars ($2,000), *the* individual or family must equally match *the* amount in excess of two thousand dollars ($2,000) in making the down payment."

Section 145. Section 32-3928, R.C.M. 1947, is amended to read as follows:

"32-3928. **Review of application for assistance — highway commission's decision final.** *A* displaced person aggrieved by a determination as to eligibility for a payment authorized by *sections 32-3925 through 32-3927*, or the amount of a payment, may have his application reviewed by the commission, whose decision shall be final."

Section 146. Section 32-3929, R.C.M. 1947, is amended to read as follows:

"32-3929. **Rules.** The *department may* adopt rules to implement *sections 32-3923 through 32-3931, including rules to implement the payment of expenses authorized by sections 32-3925 through 32-3927*, and other rules relating to highway relocation assistance *which are* necessary or desirable under federal laws and rules. *The department's* rules shall include provisions relating to:

(a) A moving expense allowance, as provided in *subsection* (b) of section 32-3925, for a displaced person who moves from a dwelling, determined according to a schedule, not to exceed three hundred dollars ($300);

(b) The conditions for decent, safe, and sanitary dwellings;

(c) Procedure for an aggrieved displaced person to have his determination of eligibility or amount of payment reviewed by the commission; and

(d) Eligibility of displaced persons for relocation assistance payments, the procedure for *those* persons to claim *the* payments, and the amounts *of the payments.*"

Section 147. Section 32-3930, R.C.M. 1947, is amended to read as follows:

"32-3930. **Assistance payments not income for state tax purposes.** *A* payment received by a displaced person under *sections 32-3923 through 32-3929 may not* be considered as income for Montana state income tax purposes."

Section 148. Section 32-3931, R.C.M. 1947, is amended to read as follows:

"32-3931. **No new element of condemnation damages created.** Nothing in *sections 32-3923 through 32-3931 creates* in *a* condemnation *proceeding* brought under the power of eminent domain *an* element of damages not in existence on *July 1, 1969.*"

Section 149. Section 32-4016, R.C.M. 1947, is amended to read as follows:

"32-4016. **Board to transfer responsibility for right of way.** *A* board shall transfer its control over, and responsibility for, *a* county road when the *department of highways* notifies it that:

(1) A federal or state highway has been established and definitely located over a county road.

(2) Funds are available for immediate construction of the highway.

(3) The highway will be improved and maintained by the *department.*

Section 150. Section 32-4102, R.C.M. 1947, is amended to read as follows:

"32-4102. **Competitive bidding.** (1) When the estimated cost of any work exceeds one thousand dollars ($1,000), the commission shall let the contract by competitive bidding. Award shall be made upon such notice and upon such terms as the commission may prescribe by its rules. However, except when prohibited by federal law, the commission must make awards and contracts in accordance with sections 82-1924 and 82-1926.

(2) If the commission finds that *the* work may be done in some more efficient manner, it need not let the contract by competitive bidding.

(3) If, on highway construction work financed in whole or in part by federal funds, the United States secretary of *transportation* affirmatively finds that under the circumstances relating to a particular project some method other than competitive bidding is in the public interest, the commission may enter into contracts with *a* board of county commissioners. *These* contracts may authorize each county to acquire rights of way for, survey, and construct farm to market, secondary, or feeder roads within the county by force account, unit price, or otherwise, as may be agreed by the commission and *the* board."

Section 151. Section 32-4204, R.C.M. 1947, is amended to read as follows:

"32-4204. **Letting of contract for bridge.** (1) All bids for construction or repair of bridges shall meet these requirements:

(a) If the *department* has adopted or established a standard plan and specifications, the bids must be submitted thereon.

(b) All bids must be sealed. Each bidder shall meet the requirements of section 6-501, R.C.M. 1947.

(2) The board may reject any and all bids. If a contract is awarded, the board shall do so in accordance with the requirements of sections 41-701 — 41-703, 82-1924, and 82-1926. When there is no prevailing rate of wages set by collective bargaining, the board shall determine the prevailing rate to be stated in the contract. The contract must be entered with the unanimous consent of the members of the board.

(3) Before entering upon performance of the work, the contractor shall comply with the requirements of sections 6-401 — 6-404, R.C.M. 1947. For the purposes of those sections with relation to contracts with the board, a contract shall not be completed until the board, while formally convened, affirmatively accepts all of the work thereunder."

Section 152. Section 32-4301, R.C.M. 1947, is amended to read as follows:

"32-4301. **Policy.** The legislative assembly declares it to be the policy of this state to facilitate the flow of traffic and promote public safety by controlling access to:

(1) Highways included by the *federal highway administration* roads in the national system of interstate highways.

(2) Throughways and intersections with throughways.

(3) Such other federal-aid and state highways as shall be designated by the commission in accordance with the requirements set forth in this chapter."

Section 153. Section 32-4302, R.C.M. 1947, is amended to read as follows:

"32-4302. **Definitions.** When used in this chapter:

(1) "Interstate highway" means *a* highway included as a part of the National System of Interstate Highways.

(2) "Controlled access highway" means *those* portions of *an* interstate highway, throughway, or throughway intersection which the commission *designates* for through traffic, or other federal-aid or state highway over, from or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air, or view. It also *means* those portions of spurs to the interstate highway system which the commission *designates* as unsafe or impeded by unrestricted access of traffic from intersecting streets or alleys or public or private roads or ways of passage.

(3) "Controlled access facility" means and includes streets, alleys, public roads, private roads, and ways of passage intersecting *a* controlled access highway and real property contiguous to the right of way of *a* controlled access highway.

(4) "Existing highway" means and includes highways, roads, and streets established, constructed, and in use on March 2, 1955. It *does* not include highways, roads, or streets, established, constructed, and in use after that date, or highways, roads, or streets, or portions thereof relocated after that date.

(5) "Arterial highway" means *a* state highway designated by agreement between the commission and the secretary of *transportation* as part of the federal-aid primary system and any highway so designated as a part of the federal-aid secondary system which has been constructed and is being used primarily for through traffic on a continuous route.

(6) "Throughway" means *a* portion of an arterial highway constructed and used for carrying traffic partially or entirely around a town or city or a portion thereof.

(7) "Throughway intersection area" means an area within a radius of three hundred (300) feet from the point of intersection of the center lines of a throughway and *a* public road, street, or highway.

(8) "Highway authorities" or "authority" means the entities in state, county, and municipal governments which have authority to construct, repair, and maintain highways, roads, and streets."

Section 154. Section 32-4308.1, R.C.M. 1947, is amended to read as follows:

"32-4308.1. **Maintenance of frontage roads.** *Frontage* roads shall be maintained by the *department of highways.*"

Section 155. Section 32-4518, R.C.M. 1947, is amended to read as follows:

"32-4518. **Junkyards lawfully in existence.** (1) *A* junkyard lawfully in existence on *July 1, 1967,* which is within one thousand (1,000) feet of the nearest edge of the right of way and visible from the main traveled way of *a* highway on the interstate or primary systems shall be fenced or screened, if feasible, by the *department of highways* at locations on the highway right of way or in areas acquired for *these* purposes outside the right of way so as not to be visible from the main traveled way of *the* highway.

(2) Notwithstanding any other provision of this act, *a* junkyard lawfully in existence on October 22, 1965, which does not conform to the requirements of this act and which the United States secretary of transportation finds as a practical matter cannot be screened, *is* not required to be removed until July 1, 1970."

Section 156. Section 32-4519, R.C.M. 1947, is amended to read as follows:

"32-4519. **Regulations governing screening.** The *department* may *adopt* rules governing the materials to be used in, and the location, planting, construction and maintenance of screening or fencing required by this act."

Section 157. Section 32-4520, R.C.M. 1947, is amended to read as follows:

"32-4520. **Authority to acquire interest in land for screening and removal of junkyards.** (1) When the *department* determines that it is in the best interests of the state, it may acquire such lands or interests in lands as may be necessary to provide adequate screening.

(2) When the *department* determines that the topography of the land adjoining the highway will not permit adequate or economically feasible screening, it may acquire by gift, purchase, exchange or condemnation such interests in lands as may be necessary to secure the relocation, removal or disposal of junkyards which were either:

(a) Lawfully in existence on October 22, 1965; or

(b) Lawfully along any highway made a part of the interstate or primary systems on or after October 22, 1965, and before January 1, 1968; or

(c) Lawfully established on or after January 1, 1968.

(3) The *department* shall pay just compensation to the owner for the relocation, removal or disposal of any such junkyard."

Section 158. Section 32-4521, R.C.M. 1947, is amended to read as follows:

"32-4521. **Injunction.** The *department* may apply to the district court for the county in which is located any junkyard not conforming to the requirements of this act for an injunction to abate such nuisance."

Section 159. Section 32-4522, R.C.M. 1947, is amended to read as follows:

"32-4522. **Agreements with the United States.** The *department* may enter into agreements with the United States secretary of transportation as provided in Title 23, United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and take action in the name of the state to comply with the terms of *those* agreements."

Section 160. Section 32-4717, R.C.M. 1947, is amended to read as follows:

"32-4717. **Outdoor advertising prohibited in proximity to highway — exceptions — standards and permits.** (a) *Outdoor* advertising *may not* be erected or maintained which is within six hundred and sixty (660) feet of the nearest edge of the right of way and which is visible from any place on the main traveled way, of an interstate or primary system, except:

(i) Directional and other official signs and notices, which signs and notices include, but *are* not limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, as authorized or required by law.

(ii) Signs, displays and devices advertising the sale or lease of property upon which they are located.

(iii) Signs, displays and devices advertising activities conducted on the property upon which they are located.

(iv) Signs, displays and devices located in areas which are zoned industrial or commercial by a bona fide state, county or local zoning authority.

(v) Signs, displays and devices located in unzoned commercial or industrial areas, which areas shall be determined from actual land uses and by agreement between the *department of highways* and the secretary and defined by *rules adopted* by the commission. The exception granted by this subsection shall not apply to signs, displays and devices located within an unzoned area in which the commercial or industrial activity used in defining the area has ceased for a period of nine (9) months.

(b) Outdoor advertising authorized under subsections (i), (iv), and (v) of subsection (a) of this section shall conform with standards contained in, and shall bear permits required in, *rules* which are *adopted* by the commission and this act."

Section 161. Section 32-4718, R.C.M. 1947, is amended to read as follows:

"32-4718. **Rules controlling outdoor advertising.** The commission *may adopt rules* to control the erection and maintenance of outdoor advertising along the interstate and primary highway systems in conformance with the terms of this act and in conformity with section 131 of Title 23, United States Code, as amended."

Section 162. Section 32-4719, R.C.M. 1947, is amended to read as follows:

"32-4719. **Standards for permitted advertising.** Signs permitted under section 32-4717 (a) (i), (ii), (iii), (iv), and (v) shall conform to the following requirements:

(a) Signs *may* not be erected or maintained which exceed *one thousand two hundred (1,200)* square feet in area including border and trim, but excluding base or apron, supports, and other structural members.

(b) Maximum length *sixty (60)* feet.

(c) Maximum height *forty (40)* feet, as measured from the ground or, if the sign is attached to a structure, as measured from the base of the sign itself.

(d) No more than two *(2)* facings visible and readable from the same direction on the main traveled way may be erected on any one *(1)* sign structure. Whenever two *(2)* facings are so positioned, neither shall exceed *three hundred twenty-five (325)* square feet.

(e) Double-faced, back-to-back and V-type signs shall be considered as a single sign or structure.

(f) No two *(2)* signs shall be spaced less than five hundred (500) feet apart adjacent to an interstate highway, or limited-access primary highway except that signs may be erected closer than five hundred (500) feet if they are separated by buildings or other obstructions in such a manner that only one *(1)* sign facing located within the above spacing distance is visible from the highway at any one *(1)* time.

(g) Signs may not be located within five hundred (500) feet of any of the following which are adjacent to the highway, unless *the* signs are in an incorporated area:

(i) Public parks.

(ii) Public forests.

(iii) Public playgrounds.

(iv) Scenic areas designated as such by the department or other state agency having and exercising *this* authority.

(v) Cemeteries.

(h) *A* sign may *not* be located on an interstate highway or freeway within five hundred (500) feet of an interchange, or intersection at grade, or rest area. *The* five hundred (500) feet is to be measured along the interstate or freeway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

(i) Signs may be illuminated, subject to the following restrictions:

(i) Signs which contain, include, or are illuminated by *a* flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather or similar information.

(ii) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at *a* portion of the traveled ways of the interstate or federal-aid primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with *a* driver's operation of a motor vehicle are prohibited.

(iii) *A* sign *may not* be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(j) The location of sign structures situated on the primary highways between streets, roads or highways entering or intersecting the main traveled way shall conform to the following minimum spacing criteria:

(i) Where the distance between centerlines of intersecting streets or highways is less than one thousand (1,000) feet, a minimum spacing between structures of one hundred fifty (150) feet may be permitted between the intersecting streets or highways.

(ii) Where the distance between centerlines of intersecting streets or highways is one thousand (1,000) feet or more, minimum spacing between sign structures shall be three hundred (300) feet."

Section 163. Section 32-4720, R.C.M. 1947, is amended to read as follows:

"32-4720. **Permits required — identification tags — pre-existing structures.** *(1) A sign* authorized by subsections (i), (iv), and (v) of subsection (a) of section 32-4717 may *not* be constructed or maintained without a permit. Applications for permits shall be made to the *department*

on forms furnished by it. The *department* shall require reasonable information to be furnished, including a statement that the owner or occupant of the land has consented to the erection or maintenance of the sign *on the land.* A permit must be obtained for each sign and the application for the permit must be accompanied by an initial fee of six dollars ($6).

(2) Permits shall be issued for three (3) years, assigned a permit number, and renewed every three (3) years thereafter upon payment of three dollars ($3) without the filing of a new application. All fees received shall be paid into the state highway account in the earmarked revenue fund.

(3) The *department* shall issue with each new permit a permanent identification tag not larger than six (6) square inches which shall be affixed to the sign in a position readily visible from the highway.

(4) Notwithstanding the foregoing provisions of this section, the *department* shall issue permits and identification tags, upon application and payment of the requisite fee for *a* structure lawfully in existence on *June 23, 1971,* and the permits shall thereafter be renewed for *a* period of time as is prescribed *in this section,* unless the structure is removed for improper maintenance."

Section 164. Section 32-4721, R.C.M. 1947, is amended to read as follows:

"32-4721. **Notice of violations — remedial action.** When the *department* determines that a willful false or misleading statement has been made in the application for a permit or that the structure for which a permit was issued is not in a reasonable state of repair, or is unsafe, the *department* shall notify the holder of the permit in writing, either by certified mail or by personal service, of the violation and specify that remedial action shall be taken within sixty (60) days or the permit will be revoked and action for removal of the sign commenced as provided in section 32-4722. No notice is required prior to filing a complaint after the notice period has lapsed."

Section 165. Section 32-4722, R.C.M. 1947, is amended to read as follows:

"32-4722. **Advertising unlawful — notice to remove — hearing — appeal to district court.** *(1)* The following outdoor advertising is unlawful:

(a) When erected after *June 24, 1971,* contrary to this act; or

(b) When a permit is not obtained as prescribed in this act; or

(c) When a permittee fails to comply with a notice of violation as provided in section 32-4721.

(2) The *department* shall give notice in writing, either by certified mail or by personal service, to the owner or occupant of the land on which advertising believed to be unlawful is located and *to* the owner of the outdoor advertising structure, if the latter is known, or if unknown, by

posting notice in a conspicuous place on *the* structure, of its intention to remove the *unlawful* advertising. Within forty-five (45) days after the notice, the owner of the land or of the structure may make *a* written request for a hearing before the commission to show cause why the structure should not be removed.

(3) If a hearing before the commission is not requested, or if there is no appeal taken from the commission's decision at *the* hearing, or if the commission's decision is affirmed on appeal, the *department* shall immediately remove the unlawful outdoor advertising. The owner of the structure and the owner or occupant of the land *are* jointly and severally liable for the costs of *the* removal. The *department incurs* no liability for *the* removal, except for damage caused by negligence of, its agents or employees."

Section 166. Section 32-4723, R.C.M. 1947, is amended to read as follows:

"32-4723. **Acquisition of outdoor advertising rights — compensation.** (a) The *department may* acquire by gift, purchase, agreement, exchange or eminent domain, existing outdoor advertising and property rights pertaining to *the advertising* which were lawfully in existence on *June 24, 1971,* and which by *virtue* of this act *are* nonconforming. Eminent domain shall be exercised in accordance with the laws of the state.

(b) Just compensation shall be paid for outdoor advertising and property rights pertaining to the *advertising* acquired through the process of eminent domain. The *department may* remove outdoor advertising found in violation of *sections* 32-4721 or 32-4722 without payment of compensation.

(c) Despite *a* contrary provision in this act, *a* sign *may not* be required to be removed without just compensation, unless found to be in violation of *sections* 32-4721 or 32-4722. Except as provided in sections *32-4721 and 32-4722, a* sign *may not* be required to be removed unless at the time of removal or discontinuance there are sufficient funds, from whatever source, appropriated and immediately available to pay the just compensation required under this section, and unless at *that* time the federal funds required to be contributed under section 131 (g) of Title 23, United States Code, with respect to the outdoor advertising being removed, have been apportioned and are immediately available to this state."

Section 167. Section 32-4724, R.C.M. 1947, is amended to read as follows:

"32-4724. **Agreements with secretary establishing specifications for advertising.** The *department may* enter into an agreement with the secretary regarding the size, lighting and spacing of outdoor advertising, as provided in this act, which may be erected and maintained within the areas adjacent to the interstate and primary highway system which are zoned commercial, industrial, or in such other unzoned commercial or industrial areas as may be determined by agreement, and as provided in this act."

Section 168. Section 53-118.6, R.C.M. 1947, is renumbered 32-3315.1, and is amended to read as follows:

"*32-3315.1.* **Demonstration of trucks and trailers authorized — dealer's plate to be used.** A new or used truck or trailer dealer licensed under section 53-118 may *not* demonstrate to a prospective purchaser *a* truck, truck tractor, trailer or semitrailer, owned by or consigned to *the* dealer, or otherwise controlled by *the* dealer, *without securing a demonstration permit and paying* the fees required in section *32-3315.2. The* vehicle *must display* the dealer's registration plate or other current Montana registration and the demonstration permit."

Section 169. Section 53-118.7, R.C.M. 1947, is renumbered 32-3315.2, and is amended to read as follows:

"*32-3315.2.* **Application for truck demonstration permit — form and contents — number of permits authorized.** The licensed dealer shall obtain the demonstration permit upon application to the *department* and *the* payment of eight dollars ($8) for each permit; the payment of this fee *is* in lieu of fees required under *this* chapter. The form of *the permit* and the application *for it* shall be provided by the *department* under rules *it prescribes. The permit* shall be designed so that the licensed dealer may fill in the necessary information *on it* and *so that the* permit will be validated by the dating, inserting of name and address of the prospective purchaser, and affixing thereto the signature of *the* licensed dealer. The licensed dealer may obtain more than one (1) but not *more than* five (5) demonstration permits with each application."

Section 170. Section 53-118.8, R.C.M. 1947, is renumbered 32-3315.3, and is amended to read as follows:

"*32-3315.3.* **Operation under truck demonstration permit — period of permit — rental under permit prohibited.** *(1) A vehicle* displaying *the* permit may be operated either laden or unladen. *The permit expires* seven (7) days after the date of validation by the licensed dealer.

(2) A demonstration permit *may* not be issued to the same prospective purchaser for the demonstration of the same vehicle or vehicles for more than one (1) seven (7) day period.

(3) The vehicle operating with the demonstration permit *may* not be leased or rented by the licensed dealer or operated for compensation by the licensed dealer."

Section 171. Section 53-118.9, R.C.M. 1947, is renumbered 32-3315.4, and is amended to read as follows:

"*32-3315.4.* **Violation of truck demonstration provisions.** Violation of *sections 32-3315.1 through 32-3315.3 is* a misdemeanor and subject to the *penalties under* section 32-3316. For the purposes of this section, a licensed dealer shall be considered the owner."

Section 172. Section 53-118.10, R.C.M. 1947, is renumbered 32-3315.5, and is amended to read as follows:

"*32-3315.5.* **Disposition of truck demonstration fees.** Fees collected under section *32-3315.2* shall be disposed of in the manner provided in section 32-3204."

Section 173. Section 53-514, R.C.M. 1947, is amended to read as follows:

"53-514. **Department of highways custodian of motor vehicles owned or leased by state.** The *department of highways* is the custodian of all motor vehicles owned or leased by the state or its agencies operated out of areas or locations where five (5) or more state vehicles or three (3) or more state agencies are located."

Section 174. Section 53-515, R.C.M. 1947, is amended to read as follows:

"53-515. **Rules — authority and enforcement.** The *department may adopt* and enforce reasonable rules governing the use and operation of motor vehicles used in the service of the state consistent with this *chapter.* The *department may* assign the use of state-owned motor vehicles to state officers *or* institutions or employees thereof. *The* actual costs for maintenance, service and storage to these vehicles shall be paid to the *department* by the individual agencies involved."

Section 175. Section 53-516, R.C.M. 1947, is amended to read as follows:

"53-516. **Seal on motor vehicles.** *A* motor vehicle owned by the state shall have a seal eight (8) inches in diameter placed upon the vehicle in accordance with the rules adopted by the *department."*

Section 176. Section 53-517, R.C.M. 1947, is amended to read as follows:

"53-517. **State car for state business only — compensation for driving personal vehicle.** *A* state officer or employee *may not* use *a* state-owned vehicle for his own personal and private use, nor *may* he be compensated for driving his own vehicle *unless that* motor vehicle is *used* on state business."

Section 177. Section 53-518, R.C.M. 1947, is amended to read as follows:

"53-518. **Adoption of travel rules — contents — removal from office for violations.** The *department* shall adopt travel *rules* providing:

(a) *For filing* an application for travel showing necessity for trips, points to be visited, approximate time of departure and return;

(b) *For filing* a report upon completion of the trip, showing actual points reached, mileage traveled and car cost record data;

(c) *For recording* in the car operating history record book all items of expense incurred in the purchase of gas, oil, repairs, labor, storage, or service; and,

(d) That a decal be affixed to the instrument panel of every state-owned vehicle with the following information contained *on the decal:*

Any officer or employee of the state government who uses or authorizes the use of any state-owned motor-propelled passenger carrying vehicle, or of any motor-propelled passenger carrying vehicle leased by the state

government, for other than official purposes shall be summarily removed from office by the head of the department of establishment concerned."

Section 178. Section 53-519, R.C.M. 1947, is amended to read as follows:

"53-519. **Requisitions for purchases — operating history records.** *(1)* All requisitions for automobile purchases shall be submitted to the *department of administration* twice yearly, at *the* times *that it specifies,* and other requisitions for automobile purchases *may not* be accepted by *it,* unless the governor *considers the* purchase to be an emergency necessity.

(2) All automobile operating history records shall be *filed with the department of administration. These* records *shall show* the purchase price of the vehicle, and *the* items of expense incurred in the operation of the vehicle, *including the expenses of* gas, oil, repairs, labor, storage and service. *The department of administration shall prepare a* complete summary of the operating cost and history record of all state-owned vehicles and trucks for each fiscal year."

Section 179. Section 53-520, R.C.M. 1947, is amended to read as follows:

"53-520. **Certain motor vehicles exempted.** *This chapter does not apply* to *a* motor vehicle used in *the* service of the governor, the attorney general or the highway patrol."

Section 180. Section 53-521, R.C.M. 1947, is amended to read as follows:

"53-521. **Violation a misdemeanor — dismissal.** *A* state officer or employee violating this *chapter is* guilty of a misdemeanor, and upon conviction *shall* be dismissed from state employment."

Section 181. Section 53-620, R.C.M. 1947, is renumbered 32-3205.1, and is amended to read as follows:

"*32-3205.1.* **Blank forms furnished county treasurers.** *The department shall* furnish all county treasurers with the following:

1. Blank application forms and affidavit forms outlining and providing for the information needed in each classification of registration required.

2. Registration, license or certificates in *a* form determined most suitable by the *department.*

3. *The* other forms, stickers, certificates or blanks *the department considers* necessary to carry out *chapters 32 and 33 of this title."*

Section 182. Section 53-624, R.C.M. 1947, is renumbered 32-3318, and is amended to read as follows:

"*32-3318.* **Enforcement.** *The* highway patrol, and any designated employee of the *department of highways, shall* enforce *chapters 32 and 33 of this title,* add *those persons shall examine* and *inspect the motor vehicles* operating upon the highways in this state, *and regulated by those chapters,* to ascertain whether or not *those chapters are being* complied with."

Section 183. Section 53-626, R.C.M. 1947, is renumbered 32-3319, and is amended to read as follows:

"*32-3319.* **Exemptions.** Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within fifteen (15) miles from such limits *are* exempt from *chapters 32 and 33 of this title*; motor vehicles brought or driven into Montana by *a* nonresident migratory bona fide agricultural worker temporarily employed in agricultural work in this state where *those* motor vehicles are used exclusively for transportation of agricultural workers *are also* exempt from *those chapters. Vehicles* lawfully displaying a licensed dealer's plate as provided in section 53-122 *are* exempt from *those chapters* when moving to or from a dealer's place of business when unladen or laden with dealer's property only, and, in the case of vehicles having a gross laden weight of less than twenty-four thousand (24,000) pounds, while in the process of demonstration in the course of the dealer's business."

Section 184. Section 53-627, R.C.M. 1947, is renumbered 32-3320, and is amended to read as follows:

"*32-3320.* **Purpose of fees — effective date.** The fees provided in *chapters 32 and 33 of this title* are in consideration of the right to use the highways of the state of Montana."

Section 185. Section 53-632, R.C.M. 1947, is renumbered 32-3407, and is amended to read as follows:

"*32-3407.* **Display of plates.** *A* vehicle or combination of vehicles transported over the highways of the state by *a* permit holder shall display in a prominent position thereon, the distinctive transit plates or devices, the towing vehicle displaying such on the front thereof and a towed vehicle on the rear thereof."

Section 186. Section 53-633, R.C.M. 1947, is renumbered 32-3408, and is amended to read as follows:

"*32-3408.* **List of holders of permits and transit plates to be furnished department of highways by department of justice.** The *department of justice* shall furnish the *department of highways* a list of the permit holders and of the transit plates or devices issued to *those* permit holders."

Section 187. Section 53-638.1, R.C.M. 1947, is renumbered 53-639.2, and is amended to read as follows:

"*53-639.2.* **Exemptions of vehicles not capable of operation on highways.** Track-type tractors, other track mounted machinery and equipment, road rollers, and other similar equipment and machinery which cannot be self-propelled or towed upon the highways of this state and which must be transported by some type of hauling unit, *are* not subject to *this title or chapter 32 and 33 of Title 32.*"

Section 188. Section 53-640, R.C.M. 1947, is amended to read as follows:

"53-640. **Issuance of identification plate and receipt — contents.** The county treasurer shall issue to *an* applicant *for an equipment identification plate* a single metal plate with a distinguishing number and a receipt for the fee collected, which receipt shall contain the name and address of the applicant, the number of the plate issued, the serial number of the equipment and a brief description of *that equipment.*"

Section 189. Section 53-642, R.C.M. 1947, is amended to read as follows:

"53-642. **"Special mobile equipment" defined.** "Special mobile equipment" means every vehicle which is not designed and used primarily for the transportation of persons or property on a public highway and which is operated or moved over the highway from construction project to construction project, and not removed from the confines and haul roads thereof, except for movement from construction project to storage yard, from storage yard to construction project, or from storage yard or construction project to point of repair or maintenance and return. Special mobile equipment includes, but is not limited to portable air compressors, air drills, asphalt spreaders, gravel crushing equipment and hot plant equipment, buckets, belt and front-end loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, earth moving scrapers and carry-alls, lighting, generating and power plants, welders, pumps, power shovels and draglines, cranes, crane mounted heel-boom log loaders, fork-lift trucks, lumber carriers, bunkhouses, tool houses, shop cars, oil distributors, scales and scale houses, and conveyors. It also includes self-propelled tractor-drawn earth moving equipment, dump trucks and tractor-dump trailer combinations which, because of excess width, height, length, or unladen weight, cannot be moved over a public highway without a permit as provided in *sections 32-1127.1 through 32-1127.10*, and which are operated unladen except within the boundaries of the project limits, as defined by the contract, and adjacent haul roads. However, the term "special mobile equipment" *does* not include a vehicle such as a truck, truck-tractor, trailer, semitrailer, house trailer, or house car, designed for the transportation of persons or property."

Section 190. Section 53-702, R.C.M. 1947, is amended to read as follows:

"53-702. **Definitions.** As used in this act:

(1) "Commercial vehicle" means *a* vehicle which is operated in more than one *(1)* state and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.

(2) "Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country and a state or province of a foreign country.

(3) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested

in the conditional vendee, or in the event a vehicle is subject to a lease, contract or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

(4) *"Legal residence"*, means a jurisdiction where the person lives or conducts his business. *This* residence need not be coupled with the intent to live or conduct the business there on a permanent basis. The use of the word "residence" in this act shall be confined to the definition given, and shall not be confused with the word "domicile." This definition of "residence" further recognizes that a person may have several residences, but only one *(1)* domicile.

(5) (a) "Properly registered," as applied to place of registration means:

(i) The jurisdiction where the person registering the vehicle has his legal residence, or

(ii) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which *the* vehicle is used has a place of business therein and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled in or from *the* place of business and, the vehicle has been assigned to *the* place of business, or

(iii) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two *(2)* or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by *that* jurisdiction.

(b) In case of doubt or dispute as to the proper place of registration of a vehicle, the *board of highway appeals* shall make the final determination, but in making *the* determination, the board may confer with departments of the other jurisdictions affected.

(6) "Fleet" means two (2) or more commercial vehicles.

(7) "Person," for purposes of this act, means every natural person, firm, copartnership, association, or corporation.

(8) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(9) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(10) "Preceding year" means a period of twelve (12) consecutive months fixed by the *department of highways,* which period shall be within sixteen (16) months immediately preceding the commencement of the registration or license year for which proportional registration is sought; the *department* in fixing *the* period shall make it conform to the terms, conditions

and requirements of any applicable agreement or arrangements for the proportional registration of vehicles."

Section 191. Section 53-704, R.C.M. 1947, is amended to read as follows:

"53-704. **Authority of department of highways**. The *department of highways may* execute or make arrangements, agreements or declarations to carry out this *chapter.*"

Section 192. Section 53-705, R.C.M. 1947, is amended to read as follows:

"53-705. **Authority for reciprocity agreements, provisions, reciprocity standards.** The *department* may enter into an agreement or arrangement with the duly authorized representatives of other jurisdictions, granting to vehicles or to owners of vehicles which are properly registered or licensed in *those* jurisdictions, and for which evidence of compliance is supplied, benefits, privileges and exemptions from payment, wholly or partially, of any taxes, fees, or other charges imposed upon *those* vehicles or owners with respect to the operation or ownership of *the* vehicles under the laws of this state. *The* agreement or arrangement shall provide that vehicles properly registered or licensed in this state, when operated upon highways of *those* other jurisdiction, shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in *the* jurisdiction when operated in this state. *The* agreement or arrangement shall, in the judgment of the *department*, be in the best *interests and* fair and equitable to this state and *its* citizens determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce."

Section 193. Section 53-707, R.C.M. 1947, is amended to read as follows:

"53-707. **Proportional registration of fleet vehicles.** If *a* jurisdiction permits or requires the licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and payment of registration fees, license fees, taxes or other fixed fees *on those vehicles* on an apportionment basis commensurate with and determined by the miles traveled on and the use made of *the* jurisdiction's highways, as compared with the miles traveled on and the use made of other jurisdiction's highways or any other equitable basis of apportionment, and exempts vehicles registered in *any* other jurisdiction under *this* apportionment basis from the requirements of full payment of its own registration, license fees, taxes or other fixed fees, then the *department* may, by agreement, adopt such exemption with respect to vehicles of *these* fleets, whether owned by residents or nonresidents of this state and regardless of where based. *An agreement*, under *the* terms, conditions or restrictions the *department considers* proper, may provide that owners of vehicles operated in interstate or combined interstate and intrastate commerce in this state be permitted to pay registration, license fees, taxes or other fixed fees on an apportionment basis, commensurate with and determined by the miles traveled on and the use made of the highways of this state as compared

with the use made of the highways of other jurisdictions or any other equitable basis of apportionment. *This* agreement *may not* authorize, *nor* be construed *to authorize a* vehicle so registered to be operated in intrastate commerce in this state unless the owner *of the vehicle* has been granted intrastate authority or rights by the public service commission, if *a* grant is otherwise required by law. The *department* may adopt rules it *considers* necessary to *carry out* and administer this *section*, and the registration of fleet vehicles under this *chapter is* subject to the rights, terms and conditions granted by or contained in any applicable agreement, arrangement or declaration made by the *department.*"

Section 194. Section 53-708, R.C.M. 1947, is amended to read as follows:

"53-708. **Declarations of extent of reciprocity.** In the absence of an agreement or arrangement with another jurisdiction, the *department* may examine the laws and requirements of *the* jurisdiction and declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles properly registered or licensed in *the* other jurisdiction, or to the owners of *the* vehicles, which *are*, in the judgment of the *department* in the best *interests and* fair and equitable to this state and *its* citizens determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce."

Section 195. Section 53-712, R.C.M. 1947, is amended to read as follows:

"53-712. **Proportional registration of fleet vehicles, application, fee-formula and payment.** (1) *An* owner engaged in operating one *(1)* or more fleets may, *instead* of registration of vehicles under other sections of *this title*, register and license each fleet for operation in this state by filing an application with the *department* which shall contain the following information, and other information pertinent to vehicle registration the *department requires*:

(a) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the vehicles in *the* fleet during *the* year.

(b) In-state miles. This shall be the total number of miles operated in this state during the preceding year by the vehicles in *the* fleet during *the* year.

(c) A description and identification of each vehicle of *the* fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested.

(2) The application for each fleet shall be accompanied by a fee payment computed as follows:

(a) Divide in-state miles by total fleet miles.

(b) Determine the total amount necessary to register each vehicle in the fleet for which registration is requested, based on the regular annual registration fees prescribed by section 53-122, *Title 32, chapter 32 and chapter 33* and *the* property taxes *which are* due *on the fleet.*

(c) Multiply the sum obtained under subsection (2) (b) by the fraction obtained under subsection (2)(a)."

Section 196. Section 53-713, R.C.M. 1947, is amended to read as follows:

"53-713. **Registration and identification of proportionally registered vehicles, effect of such registration.** (1) The *department* shall register the vehicles so described and issue a license plate or plates, or a distinctive sticker, or other suitable identification device, for each vehicle described in the application upon payment of the appropriate fees, and property taxes as provided by law, for *the* application and for the stickers or devices issued. A fee of two dollars *($2)* shall be paid for each license plate, sticker or device issued for each proportionally registered vehicle. A registration card shall be issued for each proportionally registered vehicle. *The* registration card shall, in addition to other information required by Title 53, bear upon its face the number of the license, sticker or other device issued for *the* proportionally registered vehicle and shall be carried in *the* vehicle at all times.

(2) Fleet vehicles so registered and identified shall be deemed fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for intrastate movement or operation, *the* vehicle *may not* be operated in intrastate commerce in this state unless the owner has been granted intrastate authority by the public service commission and unless *the* vehicle is being operated in conformity with *that* authority."

Section 197. Section 53-716, R.C.M. 1947, is amended to read as follows:

"53-716. **Withdrawal of fleet vehicles, credits and accounting.** If *a* vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered, the owner of *the* fleet shall notify the *department of that fact* on forms prescribed by the *department.* The *department* may require the owner to surrender proportional registration cards and other identification devices which have been issued with respect to *that vehicle.* If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from the service of the registrant, the unused portion of the gross vehicle weight fees paid with respect to *that* vehicle *shall be credited to the proportional registration account of the owner. This unused portion shall* equal the amount paid with respect to *the* vehicle when it was first proportionally registered in *the* registration year, reduced by 1/12 of the total annual gross vehicle weight fee of *the* vehicle for each calendar month and fraction thereof elapsing between the first day of the month of the current year in which the vehicle was registered and the date the notice of withdrawal is received by the *department. This* credit shall be applied against liability for subsequent additions to be prorated during *the* registration year or for additional fees due upon audit under *section* 53-719. If *a* credit is less than five dollars ($5.00), *it may not* be made or entered. In no event *may the* amount be credited against fees other than those for *the* registration year, nor *may* any amount be subject to refund."

Section 198. Section 53-717, R.C.M. 1947, is amended to read as follows:

"53-717. **New fleet — estimated mileage.** The initial application for proportional registration of a fleet shall state the mileage data with respect to *the* fleet for the preceding year in this and other jurisdictions. If operations were *not* conducted with *this* fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this state and other jurisdictions. The *department* shall determine the in-state and total fleet miles to be used in computing the fee payment for the fleet. The *department* may evaluate and adjust the estimate in the application if it is not satisfied as to the correctness *of the estimate.*"

Section 199. Section 53-718, R.C.M. 1947, is amended to read as follows:

"53-718. **Fleet registration may be denied.** The *department* may refuse to accept proportional registration applications for the registration of vehicles based in, or owned by residents of, another jurisdiction if the *department finds* that *the* other jurisdiction does not grant similar registration privileges to fleet vehicles based in or owned by residents of this state."

Section 200. Section 53-719, R.C.M. 1947, is amended to read as follows:

"53-719. **Preservation of proportional registration records.** *An* owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four (4) years following the year or period upon which *the* application is based. Upon request of the *department*, the owner shall make *these* records available to the *department* for audit as to accuracy of computations and payments, or pay the reasonable costs of an audit at the *owner's* home office by *an* appointed representative of the *department.* The *department* may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of *the* owner."

Section 201. Section 53-721, R.C.M. 1947, is amended to read as follows:

"53-721. **Suspension of reciprocity benefits.** Agreements, arrangements or declarations made under this *chapter* may include provisions authorizing the *department* to suspend or cancel the exemptions, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of *the* agreements, arrangements or declarations or who violates the laws of this state relating to motor vehicles, or rules lawfully *adopted* thereunder."

Section 202. Section 53-722, R.C.M. 1947, is amended to read as follows:

"53-722. **Agreements to be written, filed and available for distribution.** All agreements, arrangements or declarations or amendments thereto shall be in writing and shall be filed *with the department, and the department* shall provide copies for public distribution upon request."

Section 203. Section 53-724, R.C.M. 1947, is amended to read as follows:

"53-724. **Act part of and supplement to motor vehicle registration law.** This act *is* supplemental to the motor vehicle registration law of this state."

Section 204. Section 82A-701, R.C.M. 1947, is amended to read as follows:

"82A-701. **Department of highways — creation — head.** There is a department of highways. The department head is *a* director of highways *appointed by the governor in accordance with section 82A-106."*

Section 205. There is a new section to be numbered 82A-701.1, R.C.M. 1947, which reads as follows:

82A-701.1. **Functions of department.** The department has responsibility for the administration of laws relating to public highways, including, but not limited to, laws on:

(1) Speed and traffic regulations (Title 32, chapters 11 and 21);

(2) Designation and construction of federal-aid and state highways (Title 32, chapters 24, 26, and 39);

(3) State vehicle fees (Title 32, chapters 32 through 34);

(4) Letting contracts for highway construction (Title 32, chapter 41);

(5) Designation of controlled access highways (Title 32, chapter 43);

(6) Regulation of junkyards (Title 32, chapter 45);

(7) Regulation of outdoor advertising (Title 32, chapter 47);

(8) State motor pool (Title 53, chapter 5);

(9) Motor vehicle reciprocity (Title 53, chapter 7).

Section 206. Section 82A-704, R.C.M. 1947, is amended to read as follows:

"82A-704. **Board of highway appeals — creation — allocation — composition — designation.** (1) There is created a board of highway appeals.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108.

(3) The board is composed of three (3) members appointed by the governor as prescribed in section 82A-112.

(4) The board is designated as a quasi-judicial board for purposes of section 82A-112."

Section 207. Section 89-3310, R.C.M. 1947, is amended to read as follows:

"89-3310. **Contracts for use of railroads and highways.** *A* city, town or county may contract with *a* railroad company or with the *depart-*

ment of highways for the use of railroad or highway rights of way and embankments, and other railroad or highway property which can be utilized by *the* city, town or county for the purpose of water conservation or flood control or protection as part of its water conservation or flood control system, or both, for *a* period not exceeding ninety-nine (99) years."

Section 208. Section 93-9913, R.C.M. 1947, is amended to read as follows:

"93-9913. **The date with respect to which compensation shall be assessed.** For the purpose of assessing compensation the right thereto shall be deemed to have accrued at the date of the service of the summons, and its actual value as of that date shall be the measure of compensation for all property to be actually taken, and the basis of depreciation in value of property not actually taken, but injuriously affected. This shall not be construed to limit the amount of compensation payable by the *department of highways* under the provisions of any legislation enacted pursuant to the Federal Highway Beautification Act of 1965. If an order be made letting the plaintiff into possession, as provided in section 93-9920, the full amount finally awarded shall draw lawful interest from the date on which the property owner surrenders possession of the property in accordance with the terms of such order to the earlier of the following dates:

(a) The date on which the right to appeal to the Montana supreme court expires, or if appeal is filed, to the date of final decision by the supreme court, or

(b) The date on which the property owner withdraws from court the full amount finally awarded.

If the property owner withdraws from court a fraction of the amount finally awarded, interest on such fraction shall cease on the date it is withdrawn but interest on the remainder of the amount finally awarded shall continue to the earlier of the aforesaid dates defined in (a) and (b) of this section. None of the amount finally awarded shall draw interest after the date on which the right to appeal to the Montana supreme court expires. No improvements put upon the property, subsequent to the date of the service of summons, shall be included in the assessment of compensation or depreciation in value, nor shall the same be used as the basis of computing such compensation or depreciation."

Section 209. Sections 32-101, 32-301, 32-315, 32-414, 32-417, 32-508, 32-527, 32-712, 32-716, 32-1001, 32-1117, 32-1118, 32-1120, 32-1121, 32-1122, 32-1123, 32-1127, 32-1129, 32-1401, 32-1619, 32-2403, 32-2405, 32-2417, 32-2418, 32-2501 through 32-2503, 32-2701 through 32-2716, 32-3501 through 32-3509, 32-3919, 32-3921, 32-3922, 32-4402, 53-703, 82A-702, 82A-703, and 82A-705 through 82A-708, R.C.M. 1947, are repealed.

Approved March 28, 1974